

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

**AMENDMENT #1 AND SUPPLEMENT ON QUALITY OF SERVICE  
TO  
PETITION OF RECIPIENTS OF COLLECT CALLS FROM  
PRISONERS AT CORRECTIONAL INSTITUTIONS IN MASSACHUSETTS  
SEEKING RELIEF FROM  
THE UNJUST AND UNREASONABLE COST OF SUCH CALLS**

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**Dated: May 18, 2010**

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**APPENDIX I Petitioners and their Telephone Service Providers**

**EXHIBITS**

**Exhibit A Affidavits**

*Affidavits from Family and Friend Petitioners*

A-1 Affidavit of Sonia Booker dated April 30, 2010

A-2 Affidavit of Lula Bozeman dated April 29, 2010

A-3 Affidavit of Roger Carver dated May 3, 2010

A-4 Affidavit of Jean Conti dated May 1, 2010

A-5 Affidavit of Barbara DiGirolamo dated May 3, 2010

- A-6 Affidavit of Kimberly Eckmann dated April 29, 2010
- A-7 Affidavit of Patricia Gonet dated April 30, 2010
- A-8 Affidavit of Virginia Polk dated May 3, 2010
- A-9 Affidavit of Christine Rapoza dated May 5, 2010
- A-10 Affidavit of Shirley Turner dated May 3, 2010
- A-11 Affidavit of Cheryl Williams dated May 4, 2010

*Affidavits from Prisoner Petitioners*

- A-12 Affidavit of Leonardo Alvarez-Savageau dated May 3, 2010
- A-13 Affidavit of David Baxter dated May 6, 2010
- A-14 Affidavit of James Carver dated April 29, 2010
- A-15 Affidavit of Samuel Conti dated May 2, 2010
- A-16 Affidavit of Eric J. Mathison dated May 2, 2010
- A-17 Affidavit of Shirley Jay McGee dated May 6, 2010
- A-18 Affidavit of Stephen Metcalf dated April 28, 2010
- A-19 Affidavit of Kenneth Moccio dated May 1, 2010
- A-20 Affidavit of William Nadwornny dated May 1, 2010
- A-21 Affidavit of Marcos U. Ramos dated April 28, 2010
- A-22 Affidavit of Gerardo Rosario dated May 6, 2010
- A-23 Affidavit of Edward Sarmanian dated April 28, 2010

*Affidavits from Lawyer and Institutional Petitioners*

- A-24 Affidavit of Beverly Chorbajian, Esq. dated May 4, 2010
- A-25 Affidavit of James R. Logar, Esq. dated April 30, 2010
- A-26 Affidavit of Peter T. Sargent, Esq. dated April 29, 2010
- A-27 Affidavit of Debra Beard-Baker, Esq. dated April 29, 2010
- A-28 Affidavit of John S. Redden, Esq. dated May 5, 2010
- A-29 Affidavit of Patricia C. Voorhies dated May 3, 2010
- A-30 Affidavit of Patricia Garin, Esq. dated April 30, 2010
- A-31 Affidavit of Leslie Walker, Esq. dated May 4, 2010

*Affidavits from Non-Petitioners*

- A-32 Affidavit of Peter C. Puopolo, Jr. dated May 1, 2010

**Exhibit B**

**GTL Advance Pay Brochure**

Exhibit B-1 Advance Pay Brochure from 2007 or 2008

Exhibit B-2 Advance Pay brochure from 2009

**Exhibit C**

**Letter of James Saba, Superintendent NCCI-Gardner to MCLS dated February 23, 2010**

**Exhibit D**

**Massachusetts Department of Correction contract with Global Tel\*Link Corporation dated February 10, 2006: Selected Pages**

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

## AMENDMENT #1 AND SUPPLEMENT ON QUALITY OF SERVICE

## II. AMENDMENT MODIFYING AND ADDING PETITIONERS

1. Petitioner David Hallinan, Esq. is deleted and Essex County Bar Association Advocates Inc. is added as a new Petitioner. David Hallinan is Executive Director of Essex County Bar Association Advocates Inc.

2. The spelling of Petitioner Lula Bozeman's last name is corrected.
3. Petitioners David Baxter and Shirley Jay McGee have moved from NCCI-Gardner to MCI-Concord, and Petitioner Kenneth Moccio has moved from NCCI-Gardner to MCI-Shirley.
4. Raymond Gauthier passed away on January 22, 2010 and is no longer a Petitioner.
5. The following individuals are hereby added as Petitioners:
  - a. Barbara DiGirolamo  
669 Saratoga St.  
East Boston, MA 02128
  - b. Shirley Turner  
116 High St.  
Ipswich, MA 01938
  - c. Cheryl Williams  
196 Beach St.  
Quincy, MA 02170
  - d. Leonardo Alvarez-Savageau (W92556)  
MCI-Shirley  
P.O. Box 1218  
Shirley, MA 01464
  - e. James Carver (W47514)  
MCI-Shirley  
P.O. Box 1218  
Shirley, MA 01464
  - f. Stephen Fernandes (W51196)  
Old Colony Correctional Center  
One Administration Road  
Bridgewater, MA 02324
  - g. Anthony Giugliano (W86282)  
MCI-Norfolk  
2 Clark Street  
Norfolk, MA 02056
  - h. Eric J. Mathison (W93154)  
Old Colony Correctional Center  
One Administration Road  
Bridgewater, MA 02324

### III. ADDITIONAL INFORMATION CONCERNING PETITIONERS

1. Each of the Petitioners requested prisoner telephone call service. Except for Petitioners who are prisoners, Petitioners (i) receive telephone calls from prisoners incarcerated in state and/or county correctional institutions in Massachusetts, and (ii) utilize collect call, prepaid account, and/or direct bill services to pay for at least some of the calls they receive.<sup>1</sup> Petitioners who are prisoners initiate telephone calls from Massachusetts Department of Correction (DOC) facilities and use prepaid debit-based account services maintained at DOC facilities to pay for at least some of the calls they initiate.

2. As set forth in Appendix 1 hereto, each Petitioner other than the Prisoners' Rights Clinic at Northeastern University Law School is the customer of record with one or more of the following prisoner telephone providers or their billing affiliates: Evercom Systems Inc. (Evercom); Correctional Billing Services, a billing affiliate of Evercom (CBS); Global Tel\*Link (GTL); ILD Teleservices Inc., a billing affiliate of GTL (ILD); and/or Digital Solutions/Inmate Telephone, Inc. (DSI). Some Petitioners are billed for their prisoner telephone calls through Verizon, and are customers of record with Verizon.

3. Petitioners who are prisoners, all of whom are incarcerated in DOC facilities, maintain prepaid debit calling accounts with DOC that are debited for telephone calls paid by the prisoner.<sup>2</sup> DOC acts as a conduit to GTL of funds from all prisoners with prepaid debit calling accounts. According to Peter Macchi, DOC's recently retired Director of Administrative Services, DOC collects money from prisoners for debit account calls and transfers such amounts

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<sup>1</sup> See footnote 7 for an explanation of the different payment options non-prisoner Petitioners use to pay for prisoner telephone calls.

<sup>2</sup> For purposes of the Petition, prepaid accounts set up by prisoners are generally referred to as debit accounts or debit calling accounts. Prepaid accounts established by non-prisoner Petitioners are referred to as prepaid or advance pay accounts.

to GTL monthly.<sup>3</sup> Each evening, DOC sends an electronic file to GTL detailing the amount of money DOC has collected on behalf of each prisoner who deposited money for debit account calls that day. This allows GTL to update and credit each such prisoner's debit calling account daily.

Any DOC prisoner with available funds can establish a debit account with GTL simply by asking that money be transferred from her or his inmate account to a pre-paid, debit-based calling account. Mr. Macchi estimates that at least one-third of calls made by DOC prisoners are paid from prisoners' debit calling accounts.<sup>4</sup> Since DOC housed 11,315 prisoners in its facilities as of December 28, 2009, it is likely that between 3,500 and 4,000 prisoners now utilize debit calling accounts to pay for at least some of their telephone calls.<sup>5</sup> This number is expected to grow as telephone calls paid from prisoners' debit accounts cost 25% less than collect, prepaid, or direct-billed calls.

4. With respect to the Prisoners' Rights Clinic at Northeastern University Law School, the customer of record is Northeastern University. Calls are then broken out by "budget centers," including the Prisoners' Rights Clinic, which is responsible for payment of the calls billed to it including prisoner-initiated calls.<sup>6</sup>

5. Each Petitioner is responsible for paying for the telephone services rendered to the Petitioner by Evercom, GTL, and/or DSI. Each Petitioner pays for calls it is responsible for by making payments to Evercom, CBS, GTL, ILD, DSI, Verizon, and/or DOC (in the case of

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<sup>3</sup> Conversation with Peter Macchi, October 7, 2009. The description of how GTL updates its prisoner telephone accounts in this paragraph is based on that conversation.

<sup>4</sup> *Id.*

<sup>5</sup> DOC Quarterly Overcrowding Report for the Fourth Quarter 2009, p. 3, available online at [http://www.mass.gov/Eeops/docs/doc/research\\_reports/4th\\_09\\_overcrowding.pdf](http://www.mass.gov/Eeops/docs/doc/research_reports/4th_09_overcrowding.pdf).

<sup>6</sup> Affidavit of Patricia C. Voorhies, attached as Exh. A-29, ¶ 2.

telephone calls paid from prisoners' debit calling accounts).<sup>7</sup> See Appendix I for a list of the telephone service provider(s) utilized by each Petitioner.

#### **IV. PETITION SUPPLEMENT ON QUALITY OF SERVICE**

Virtually all individual Petitioners have experienced some quality of service problem with their prisoner telephone service provider. In general, the family and friends of prisoners and prisoners themselves all experienced more (and more severe) quality of service problems than did Petitioners who are individual attorneys or legal services offices.

Data in this section are drawn primarily from Affidavits submitted by Petitioners and attached as Exhibits A-1 to A-32 hereto. Based on the data collected, quality of service issues fall into five general categories: problems with poor connections and difficulty hearing the other party; disconnected or dropped calls; failure to provide details of calls and call charges; customer service issues; and other problems. Data have been organized into these five general areas. Separate sub-sections for responses relating to GTL and Evercom have been included for the first four categories where quality of service complaints were lodged against both companies. The final section contains additional service problems identified by GTL telephone customers who are DOC prisoners.<sup>8</sup>

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<sup>7</sup> Verizon no longer provides direct telephone service to prisoners as Evercom, GTL and DSI do. (DSI provides service in MA only to the Norfolk County Correctional Center.) Petitioners who receive collect telephone calls from prisoners and have Verizon accounts are billed by Verizon on behalf of CBS and ILD for those calls, subject to credit caps set by GTL and Evercom. Other Petitioners who receive prisoner telephone calls but do not have Verizon accounts must set up prepaid accounts or seek to be billed directly by the telephone provider if they wish to pay for prisoner-initiated telephone calls. In October, 2009 GTL instituted a policy limiting the amount of telephone calls that a party billed through Verizon can receive in a month to \$75. If that limit is reached in any month, the recipient will no longer qualify for collect calls paid through Verizon but will have to set up a prepaid account with GTL, apply for a direct bill account, or ask the prisoner(s) the recipient receives calls from to establish and use a prepaid debit calling account set up by the prisoner(s) with DOC.

<sup>8</sup> More information is available about telephone service problems at DOC facilities than at county facilities because 16 DOC prisoners are Petitioners. Debit calling is not available to county prisoners, so only DOC prisoners can be telephone company customers and therefore qualify to be Petitioners. Five Petitioners are family members and friends of current or recently released county prisoners.



## A. Connection Problems

### i. GTL

Poor connection problems, including difficulty hearing a party, static, echoes, unexplained silences, crossed lines, etc. are one of the most pervasive quality of service issues experienced by Petitioners and others who make or receive calls from DOC-run facilities. All six Petitioners who are family members and friends of prisoners in DOC facilities experienced poor reception or connection problems at least part of the time as did other GTL customers who contacted MCLS but are not Petitioners. A Petitioner who is the fiancé of a prisoner at NCCI-Gardner and receives at least four calls a day from him remarked that almost all the calls she receives from him have poor reception: “sometimes his voice is broken up, or he’ll sound muffled, like he is underwater.”<sup>9</sup> Her fiancé tells her she cuts in and out sometimes, and asks, “Are you three? Are you there?”<sup>10</sup> The Petitioner who is the mother of the same prisoner estimated that at least one-third of the fourteen calls she receives each week from him had static or some other problem with the connection, including hearing other prisoners’ voices on the line.<sup>11</sup> Another Petitioner who usually speaks with her son at the same institution three times a week reported that reception is “generally terrible,” and that often she can barely hear him.<sup>12</sup> The aunt of a prisoner at MCI-Norfolk, also a Petitioner, reported that she “usually” had difficulty hearing her nephew, and that he sometimes had difficulty hearing her during the one or two calls a week she receives from him.<sup>13</sup> The brother of a prisoner at MCI-Shirley who speaks with him twice a day estimated he had a bad connection 20-30% of the time.<sup>14</sup>

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<sup>9</sup> Affidavit of Cheryl Williams, attached as Exhibit A-11, ¶¶ 3, 4,

<sup>10</sup> *Id.* ¶ 4. See similar report of prisoner Petitioner referenced at fn. 21.

<sup>11</sup> Affidavit of Jean Conti, attached as Exhibit A-4, ¶¶ 3, 5.

<sup>12</sup> Affidavit of Virginia Polk, attached as Exhibit A-8, ¶¶ 4, 6.

<sup>13</sup> Affidavit of Barbara DiGirolamo, attached as Exhibit A-5, ¶¶ 3, 5.

<sup>14</sup> Affidavit of Peter Puopolo, Jr., attached as Exhibit A-32 ¶ 3.

The father of another prisoner at MCI-Shirley informed us that poor reception is “a frequent problem” for the four-to-five weekly calls from his son.<sup>15</sup> He noted difficulty hearing his son and vice-versa.<sup>16</sup> This Petitioner reported it was especially problematic because often when the connection is bad and he is straining to hear his son, he turns up the volume on his receiver, and suddenly a recording will come on that is very loud (“blasts into my ear”).<sup>17</sup> It presents a marked contrast to the often faintly audible sound of his son’s voice. The girlfriend of this prisoner at MCI-Shirley also reported that almost every one of the daily calls she receives involved a bad connection, with her boyfriend sounding garbled and words cut off as they speak.<sup>18</sup>

Almost all prisoner Petitioners reported significant problems with poor connections. Three frequent callers housed at NCCI-Gardner noted poor sound quality, with the inability of one party (or both) to understand the other, and sometimes the inability of parties to even hear one another.<sup>19</sup> The son of the Petitioner mentioned in the previous paragraph who tries to make two calls each day from MCI-Shirley to family members estimates that 90% of his calls have some problem with the connection.<sup>20</sup> He reported several calls with his daughter during which he would suddenly hear her ask, “Daddy? Daddy? Are you there?” while he was speaking, and vice versa, where he heard nothing but silence while his daughter would later confirm that she could still hear him.<sup>21</sup> When speaking with his father over a bad connection, this Petitioner

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<sup>15</sup> Affidavit of Roger Carver, attached as Exhibit A-3, ¶¶ 3, 5.

<sup>16</sup> *Id.*, ¶ 5

<sup>17</sup> *Id.*

<sup>18</sup> Affidavit of Kimberly Eckmann, attached as Exhibit A-6, ¶ 3.

<sup>19</sup> Affidavits of Samuel Conti, William Nadworny, and Marcos Ramos, attached as Exhibits A-15, A-20, and A-21, respectively.

<sup>20</sup> Affidavit of James Carver, attached as Exhibit A-14, ¶¶ 3, 4.

<sup>21</sup> *Id.* ¶ 4. *See also* report of Petitioner at fn. 10.

regularly finds himself shouting so his father can hear but other prisoners in the area can hear everything as well.<sup>22</sup> Any hope of privacy is gone.

One Petitioner at NCCI-Gardner estimated that he could not hear the individual on the other end clearly and vice-versa for about 50% of the 25 calls he makes per week, noting that “[t]here are very few calls with a clear connection on both ends.”<sup>23</sup> Another prisoner Petitioner at NCCI-Gardner who makes 14-24 calls per week noted that poor connections occur almost daily, with chopped words or the inability of one party to hear another.<sup>24</sup> A prisoner Petitioner at MCI-Concord who places calls every day stated that for about two-thirds of his calls he seemed to be talking to his family through static, or voices were otherwise hard to hear.<sup>25</sup> He said that the problem has caused him to call less frequently.<sup>26</sup> Another prisoner Petitioner at Old Colony Correctional Center reported connection problems on almost every one of the ten calls he makes each week, with sound that is choppy, and difficulty of one party hearing the other.<sup>27</sup> A prisoner Petitioner who recently moved from NCCI-Gardner to MCI-Shirley reported that at Gardner, about 50% of the ten calls a week he made had bad connections, but that at Shirley “the phones here are even worse.”<sup>28</sup>

Other prisoners who make calls less frequently also noted that poor connection problems occurred with many if not most of their calls.<sup>29</sup> Another noted that crossed lines were a regular connectivity problem, with prisoners being able to overhear other prisoners’ calls, including

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<sup>22</sup> *Id.*

<sup>23</sup> Affidavit of William Nadworny, attached as Exhibit A-20, ¶¶ 3, 4.

<sup>24</sup> Affidavit of Marcos U. Ramos, attached as Exhibit A-21, ¶¶ 3, 4.

<sup>25</sup> Affidavit of Shirley Jay McGee, attached as Exhibit A-17, ¶ 4.

<sup>26</sup> *Id.*

<sup>27</sup> Affidavit of Eric J. Mathison, attached as Exhibit A-16, ¶¶ 3, 4.

<sup>28</sup> Affidavit of Kenneth Moccio, attached as Exhibit A-19, ¶¶ 3, 5, and comment in cover note from Mr. Moccio to MCLS, included in Exhibit A-19.

<sup>29</sup> *See, e.g.*, Affidavit of Stephen Metcalf, attached as Exhibit A-18, ¶¶ 3, 4 (bad connections “95% of the time”); Affidavit of Edward Sarmanian, attached as Exhibit A-23, ¶ 4 (“almost always hard to hear”).

attorney calls.<sup>30</sup> Prisoners reported that problems with bad connections appeared to be directly related to broken or malfunctioning equipment, including damaged telephone sets and service lines. Section E.i, below, outlines prisoners' reports of broken or damaged equipment.

Petitioners who are attorneys or legal services offices also reported problems with telephone sound quality and connections for phone calls handled by GTL. One attorney who receives between 70 and 100 calls per month from DOC prisoners reported that up to 50% of her calls had poor reception.<sup>31</sup> The Prisoners' Rights Clinic at Northeastern University School of Law reported that it was "frequently" difficult to hear prisoners on their main telephone line unless they shouted, and that other voices, static or echoes could be heard during 10% of the calls on the administrator's line.<sup>32</sup>

Other legal services offices that receive prisoner phone calls experience less frequent problems with connections. For example, the Brockton office of Petitioner Committee for Public Counsel Services (CPCS)<sup>33</sup> reports that about four of the approximately 45 calls the office receives each month from DOC prisoners (or just under 9%) have connection problems.<sup>34</sup> At MCLS, which receives between 1200 and 1500 calls from DOC facilities each month, prisoners are difficult to hear on between 5 and 10% of the calls.<sup>35</sup> On occasion there have been more serious connection problems with calls from an entire institution that have lasted for longer periods of time. For example, in late 2008 and early 2009, all calls from the Massachusetts

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<sup>30</sup> Affidavit of Gerardo Rosario, attached as Exhibit A-22, ¶ 4. *See also* Affidavit of Jean Conti, attached as Exhibit A-4, ¶ 5 (reports "hearing other prisoners' voices on the line.").

<sup>31</sup> Affidavit of Beverly Chorbajian, Esq., attached as Exhibit A-24, ¶¶ 3, 4.

<sup>32</sup> Affidavit of Patricia Voorhies, attached as Exhibit A-29, ¶ 3.

<sup>33</sup> CPCS has more than 20 offices across the Commonwealth. Its Public Defender Division employs over 200 attorneys throughout the state. Another 3,000 attorneys (bar advocates) also represent the indigent in their criminal cases under the aegis of CPCS. In 2008, CPCS paid over \$100,000 for telephone calls from prisoners including reimbursements to bar advocates.

<sup>34</sup> Affidavit of John S. Redden, Esq., attached as Exhibit A-28, ¶ 3.

<sup>35</sup> Affidavit of Leslie Walker, Esq., attached as Exhibit A-31, ¶ 3.

Treatment Center had a loud echo that made it difficult for the parties to hear one another.<sup>36</sup> The problem took several months to fix, and there are still calls that come in that are difficult to hear because of static or faint or garbled voices.<sup>37</sup> The CPCS Alternative Commitment Unit in Brockton, which receives almost 300 calls from the Treatment Center each month, estimates that between 15% and 20% of those calls have too much static to hear anything, as well as a less frequent problem with echoing voices on the line.<sup>38</sup>

An attorney who works for Stern Shapiro Weisberg & Garin reported a distinct difference in the quality of prisoner telephone calls she received at work versus those she received on her personal cellular phone at home.<sup>39</sup> The sound quality of calls received at the office was generally acceptable, with perhaps one in six or seven (14%-16%) exhibiting a problem in connection or reception.<sup>40</sup> But connectivity issues rose 100% for calls she received on her personal phone at home: at least one-third (33%) of these calls had a terrible connection and were hard to hear versus the 14-16% with connection problems at the office.<sup>41</sup> Her experience highlights the stark difference in quality of prisoner calls between those received by individual consumers, on one hand, and those received by attorneys and institutions, on the other.

## **ii. Evercom**

Four of the five family and friend Petitioners who are Evercom customers complained of problems with poor connections. The two family/friend Petitioners who received calls from Suffolk County House of Correction reported the worst problems. One received two-to-three calls per day (14-to-20 calls per week) from her fiancé and reported that on most calls at least

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Affidavit of Debra Beard-Baker, Esq., attached as Exhibit A-27, ¶ 3.

<sup>39</sup> Affidavit of Patricia Garin, Esq., attached as Exhibit A-30, ¶¶ 3, 4.

<sup>40</sup> *Id.* ¶ 4.

<sup>41</sup> *Id.*

one party had difficulty hearing the other.<sup>42</sup> She reported problems including static on the line, clicking noises, and voices fading in and out.<sup>43</sup> The other recipient of calls from Suffolk County received four-to-seven calls per week from her son; she also complained that one party usually had difficulty hearing the other party.<sup>44</sup> She complained that when the connection was really bad they would hang up and her son would call her back on another phone, incurring another connection charge.<sup>45</sup> The family/friend Petitioner who receives weekly calls from her son at the Bristol County House of Correction reported that sometimes she could not hear any sound on the line after the connection was established.<sup>46</sup>

The family/friend Petitioner whose husband was at the Lawrence Correctional Alternative Center received one or more calls a day.<sup>47</sup> She reported that connection problems were a constant problem, with voices fading in and out, static, or one party able to hear but not the other.<sup>48</sup> Sometimes the connection would be good for a few minutes but all of a sudden voices would be hard to hear. The problem could sometimes but not always be resolved when her husband would call back on a different telephone set. But each redialed call “meant I was charged another \$3.00 connection fee because of Evercom’s poor service.” She reported being able to hear other prisoners on phones next to her husband shouting to be heard, and cursing the phones because of problems with the telephone lines. During high volume call times the sound quality could be really challenging, with her husband sounding muffled, “as if he were speaking underwater.”

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<sup>42</sup> Affidavit of Christine Rapoza, attached as Exhibit A-9, ¶¶ 5, 6.

<sup>43</sup> *Id.* ¶ 6.

<sup>44</sup> Affidavit of Lula Bozeman, attached as Exhibit A-2, ¶¶ 4, 5.

<sup>45</sup> *Id.* ¶ 5.

<sup>46</sup> Affidavit of Patricia Gonet, attached as Exhibit A-7, ¶ 4, 5.

<sup>47</sup> Affidavit of Shirley Turner, attached as Exhibit A-10, ¶¶ 4, 5.

<sup>48</sup> *Id.* ¶ 5. The remainder of this paragraph is based on ¶ 5 of Ms. Turner’s Affidavit, Exhibit A-10.

Legal services offices and attorneys also reported problems with telephone connections or the sound quality of calls from county facilities. One attorney reported that about half of the 8-to-12 calls she receives weekly from county prisoners had poor reception.<sup>49</sup> MCLS staff estimates that approximately 5% of the 90-100 calls they receive per month from prisoners via Evercom have connection problems.<sup>50</sup> CPCS offices also reported connection problems with calls from county institutions than from GTL facilities. For example, the Brockton Public Defenders' Office reported that 3-4% of its approximately 400 calls per month from county facilities had connection problems.<sup>51</sup>

## **B. Disconnected Calls**

### **i. GTL**

Petitioners (and others) who are family members and friends who receive calls from prisoners in DOC facilities report problems with dropped or cut-off calls. One Petitioner reported that she receives one phone call daily from her boyfriend at MCI-Shirley, and that one or two calls are cut off prematurely every week.<sup>52</sup> Another gentleman who receives 14 calls from his brother each week at the same facility reports an even higher dropped or cut-off call rate of about 50%, with six-to-eight calls dropped per week.<sup>53</sup> The Petitioner who receives calls from her nephew at MCI-Norfolk reports prematurely disconnected calls are an occasional problem, generally prompted by the system's purported detection of three-way calling even though her phone lacks that capability.<sup>54</sup>

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<sup>49</sup> Affidavit of Beverly Chorbajian, Esq., attached as Exhibit A-24, ¶¶ 3, 4.

<sup>50</sup> Affidavit of Leslie Walker, Esq., attached as Exhibit A-31, ¶ 4.

<sup>51</sup> Affidavit of John S. Redden, Esq., attached as Exhibit A-28, ¶ 3.

<sup>52</sup> Affidavit of Kimberly Eckmann, attached as Exhibit A-6, ¶ 3.

<sup>53</sup> Affidavit of Peter J. Puopolo, Jr., attached as Exhibit A-32, ¶ 3.

<sup>54</sup> Affidavit of Barbara DiGirolamo, attached as Exhibit A-5, ¶ 6. When the telephone monitoring system detects what it interprets as an attempt to add a third party, a recording comes on telling the parties that the call is being disconnected for that reason. At that point the call is cut off.

Prisoners also report dropped or cut-off calls. One Petitioner at Gardner reported that in the past he usually made six-to-nine telephone calls per week, but because about 50% were prematurely dropped or cut-off because a third-party call was erroneously detected by GTL, he cut back on the number of calls he now makes.<sup>55</sup> “This forces me and other inmates to call again and be charged another connection fee,” he added.<sup>56</sup> Another Petitioner at NCCI-Gardner reported that he calls his 82 year-old father once or twice a week, and that every second or third call is cut-off with a warning that three-way calling has been detected, even though his father’s ancient phone cannot make third party calls.<sup>57</sup> Two other prisoners at NCCI-Gardner who are frequent callers report a lower but still significant percentage of calls that are cut off due to erroneous detection of third party calls: 20% in one case, 10% in the other.<sup>58</sup> A fifth prisoner who tracked his calls closely while he was at Gardner reported that over 60 calls were cut-off in the course of a two-month period due to three-way calling detection even though the recipients of his calls did not have that capability.<sup>59</sup> The cut-off calls represented 20% of the approximately 250-to-300 calls he made in that period.<sup>60</sup> A sixth Petitioner at Gardner reports that calls are sometimes cut off when another prisoner speaks to him while he is on the phone due to the system’s incorrect detection of a third party call, and on occasion calls are cut-off for the same reason when someone walks by and the phone picks up their footsteps.<sup>61</sup>

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<sup>55</sup> Affidavit of Gerardo Rosario, attached as Exhibit A-22, ¶¶ 3, 5.

<sup>56</sup> *Id.* ¶ 5.

<sup>57</sup> Affidavit of Edward Sarmanian, attached as Exhibit A-23, ¶¶ 3, 4.

<sup>58</sup> Affidavits of Marcos U. Ramos, attached as Exhibit A-21, ¶ 5 (20%), and William Nadworny, attached as Exhibit A-20, ¶ 5 (10%).

<sup>59</sup> Affidavit of Shirley Jay McGee, attached as Exhibit A-17, ¶ 3.

<sup>60</sup> *Id.*

<sup>61</sup> Affidavit of Samuel Conti, attached as Exhibit A-15, ¶ 5.



A Petitioner at MCI-Shirley also reported that 20% of the approximately fourteen calls he makes each week were prematurely cut-off or disconnected.<sup>62</sup> Calls are sometimes dropped after the call has been accepted by the called party, but before the parties can say anything to one another. “My father, brother, girlfriend and I have all paid for dropped calls where there was no connection.”

Dropped or cut-off calls are a problem for attorneys as well. For example, one attorney Petitioner whose office receives between 70 and 100 calls per month from DOC facilities conservatively estimated that 20% of these calls were dropped prematurely.<sup>63</sup> The Alternative Commitment Unit of CPCS reported that approximately 10% of the almost 300 calls it received from the Massachusetts Treatment Center were cut-off when the recipient of the call pressed “0” to accept the call.<sup>64</sup> A Stern, Shapiro attorney reported that official attorney/client calls received in the office are rarely dropped, but when she worked at home for a period of time, calls from state prisoners received on her personal cellular telephone were frequently dropped, generally because three-way calling was purportedly detected, even though there was never any third party or attempt to add one.<sup>65</sup>

## **ii. Evercom**

Recipients of prisoner calls from county facilities serviced by Evercom reported problems with dropped or cut-off calls, though with less frequency than recipients of calls serviced by GTL. Two Petitioners who are family/friends of prisoners and received calls from the Suffolk County House of Correction both reported regular problems with dropped or cut-off calls. One, who received 20-to-30 calls per month from her son while he was incarcerated,

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<sup>62</sup> Affidavit of James Carver, attached as Exhibit A-14, ¶¶ 3, 6. The remainder of this paragraph is based on ¶ 6 of Mr. Carver’s Affidavit.

<sup>63</sup> Affidavit of Beverly Chorbajian, Esq., attached as Exhibit A-24, ¶¶ 3, 4.

<sup>64</sup> Affidavit of Debra Beard-Baker, Esq., attached as Exhibit A-27, ¶ 3.

<sup>65</sup> Affidavit of Patricia Garin, Esq., attached as Exhibit A-30, ¶ 5.

reports that about five per month (or 15-25% of the calls she received) were cut off due to the detection of a third party connection, which the Petitioner states she never had the capability to do.<sup>66</sup> The second Petitioner, who speaks by phone with her fiancée 14-to-20 times per week on a regular basis, reports that two-to-three calls were dropped weekly (or 15-16% of calls received), sometimes more. But since he was moved to the Worcester County House of Correction in February, she reports that the situation is worse: the telephones are “extraordinarily sensitive to any extraneous sound. Now if I sneeze or breathe too loudly, the telephone disconnects.”<sup>67</sup> Calls also disconnect “when prisoners’ yelling in the background gets too loud.” A recent record of her calls shows many calls of very short duration (less than five minutes) that appear to be prematurely cut-off since they were immediately followed by new calls of longer duration.<sup>68</sup> She also reports that calls are cut off for no reason, sometimes before she has connected with or spoken to her fiancé. She reports being charged for these calls because the calls last just over one minute, in some cases just by seconds, and Evercom refuses to credit cut-off calls if they last over one minute. Since the recording that announces the call to the caller lasts for more than 40 seconds and time is needed for the mechanics of the call to be completed, it is not unusual that the call set-up would take a minute or more before the parties can speak. To be charged for a call where there was no connection “is really frustrating and completely unjustified.”

Attorney Petitioners also reported problems with cut-off calls from county facilities. One practitioner estimated that 20% of the 8-to-12 calls she receives from county prisoners each week

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<sup>66</sup> Affidavit of Lula Bozeman, attached as Exhibit A-2, ¶¶ 4, 6.

<sup>67</sup> Affidavit of Christine Rapoza, attached as Exhibit A-9, ¶ 7. The remainder of this paragraph is based on ¶ 7 of Ms. Rapoza’s Affidavit.

<sup>68</sup> See attachment to Ms. Rapoza’s Affidavit. When a customer’s record of charges shows that calls normally last 15 or 20 minutes (that is, the institution’s maximum call length), a call of two-, three-, or four-minutes (and even more) that is immediately followed by another call of longer duration, it can be assumed that the initial call was prematurely cut-off (or there was some other problem with the connection), especially when it costs \$3.00 to reconnect a call.

are cut-off prematurely due to the system's erroneous detection of third-party calling.<sup>69</sup> A second attorney Petitioner reported that calls he receives via Evercom are sometimes cut-off when he picks up the call after his assistant has put it on hold, also due to the detection of third-party calling.<sup>70</sup>

A three-way call detection system can be calibrated to be more or less sensitive to different auditory and other cues that will prompt the disconnection of a call. The experience of the Petitioner with calls from two different county institutions illustrates this capability: calls from her fiancé at the Worcester County facility were far more prone to disconnect due to erroneous detection of third-party calling attempts than calls from the Suffolk County facility.<sup>71</sup> It is clear that three-way calling detection systems that are overly (and unnecessarily) sensitive can prematurely cut off prisoner telephone calls where no attempt to add a third party has been made, as attested to by this Petitioner and many others in this section.<sup>72</sup> Indeed, the problem of prematurely terminated prisoner telephone calls was the subject of an 18-month investigation by the Florida Public Service Commission (FPSC), which found last summer that a GTL subsidiary that provided service to the Miami jail overcharged the recipients of collect calls as much as \$6.3 million over seven years.<sup>73</sup> FPSC found that the provider's three-way call detection software was cutting off calls even where there was no attempt to make a three-way call or otherwise avoid the security blocks on the system. Petitioners urge the DTC to undertake a similar investigation in Massachusetts to insure that prisoner telephone calls in Massachusetts are not

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<sup>69</sup> Affidavit of Beverly Chorbajian, Esq., attached as Exhibit A-24, ¶¶ 3, 4.

<sup>70</sup> Affidavit of Peter T. Sargent, Esq., attached as Exhibit A-26, ¶ 3.

<sup>71</sup> See discussion *supra* in the first paragraph of this section beginning at fn. 67.

<sup>72</sup> See text accompanying footnotes 54-61, 67-70.

<sup>73</sup> Mary Ellen Klas, *Phone company fined for overcharges*, Miami Herald, August 18, 2009 available at <http://www.miamiherald.com/2009/08/18/1190680/phone-company-fined-for-overcharges.html?storylink=mirelated> (last accessed on-line on May 17, 2010).

prematurely terminated unless *bona fide* attempts to evade telephone security measures are in fact initiated.

### **C. Call Reporting and Details of Charges**

#### **i. GTL**

Petitioners who are GTL customers who pay for prisoner calls with prepaid accounts are provided *no* record of call details or charges except in very limited circumstances.<sup>74</sup> GTL telephone customers who prepay for prisoner telephone calls they receive or make using GTL's Advance Pay service or a prisoner debit calling account generally do not receive and have no access to documentation reflecting what they are being charged for calls or telephone service or other expenses deducted from their accounts by GTL or its billing agent. The only record GTL's prepaid customers have of their prisoner telephone transactions is a cancelled check, a credit card charge entry, a debit slip, or an accounting entry on an Inmate Transaction Statement. These customers, including many Petitioners, are upset that they have no way of checking how money is deducted from their accounts, what amounts have been charged for specific calls, what services or fees they are being charged, or whether the amounts they are billed are accurate or not.<sup>75</sup> Once funds are deposited with GTL through either type of prepaid account, the company has sole control over how fees and charges are handled and deducted from the account. The only on-going notification that GTL's prepaid customers receive of their current aggregate account balances is an oral recorded statement at the beginning of a call. They receive no other information about how prepaid funds are actually spent. GTL is simply not accountable to its

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<sup>74</sup> Recipients of collect calls that are not prepaid do not experience this problem since they receive details of calls made (including per call cost) with their monthly phone bills from Verizon. Recipients of prisoner calls who are direct bill customers of GTL, including most institutions and many attorneys, receive call details and charges with their GTL bills.

<sup>75</sup> See, e.g., Affidavit of Virginia Polk, Exh. A-8, ¶ 7; Affidavit of Cheryl Williams, Exh. A-11, ¶ 5; Affidavit of Samuel Conti, Exh. A-15, ¶ 6; Affidavit of Gerardo Rosario, Exh. A-22, ¶ 6.

prepaid customers for the use of its customers' prepaid funds. Billing errors cannot be fixed because they cannot be identified.

GTL is in the midst of a campaign to move all of its collect call recipients (other than those with direct billing accounts) to some type of prepaid service.<sup>76</sup> As a result, an ever increasing percentage of GTL telephone customers who want to talk with their loved ones and friends in- or outside of prison are being required to deposit funds into a GTL Advance Pay account (and incur a service fee each time funds are deposited into the account) or a debit calling account at the prison. These accounts are essentially black holes, blind accounts into which funds are deposited but about which customers are provided no details other than their current outstanding balances. One Petitioner whose son is incarcerated at NCCI-Gardner last received documentation reflecting charges for individual calls in 2007.<sup>77</sup> Her repeated requests for records of call details since then have been unsuccessful.<sup>78</sup>

GTL customers with prepaid accounts complain that they have no idea how the money in their GTL accounts is being spent or otherwise accounted for. One Petitioner reported that in November 2009 she had a balance on an Advance Pay account but the next month, in December, the balance was zero even though she had not used that account to pay for any calls.<sup>79</sup> She

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<sup>76</sup> Beginning in October 2009, GTL lowered the monthly credit limit for real collect calls (that is, collect calls that are not paid from a prepaid account) from \$200/month to \$75/month and announced that once the credit limit was reached by a customer, the only way the customer could continue to receive prisoner calls was to set up a prepaid Advance Pay account with GTL, or to have the prisoner initiating the call set up a debit calling account at the institution where s/he is incarcerated. The practical impact of the change is to force collect call customers who spend \$75 or more per month on prisoner phone calls, even those with good credit histories, to use GTL prepaid accounts. The change was never announced directly to collect call customers as the only notices of the change were those posted at DOC facilities.

<sup>77</sup> Affidavit of Virginia Polk, attached as Exhibit A-8, ¶ 7.

<sup>78</sup> *Id.*

<sup>79</sup> Affidavit of Cheryl Williams, attached as Exhibit A-11, ¶ 5.

complained “I also do not know when GTL is deducting money from my account for charges other than phone calls, or for what reason.”<sup>80</sup>

GTL turns a deaf ear to routine requests that documentation be provided to substantiate the charges their customers are paying. Given the serious problem with poor connections and dropped or prematurely cut-off calls that require customers to place calls repeatedly, the absence of any detailed accounting of how telephone customers’ funds are actually spent is particularly disturbing. Even the most transparent and conscientious company makes mistakes. Where there is neither transparency nor an opportunity for customers to determine how their funds are being spent, mistakes cannot be corrected or rooted out because they cannot be seen. DTC must act to correct this egregious, anti-consumer business practice.

## **ii. Evercom**

Evercom telephone customers with prepaid accounts do not receive printed documentation reflecting call charges, but customers with Internet access can check their accounts on-line, including call details and other charges. However, prepaid Evercom customers who do not have Internet access are in the same position as GTL’s prepaid customers: they have no way to determine the amounts they are being charged for specific calls or what services or fees Evercom is assessing against their accounts. A Petitioner who is the mother of a former county prisoner never saw a detailed accounting of call or service charges from Evercom because she does not have Internet access.<sup>81</sup> She had no idea how the money she deposited into her prepaid Evercom account was spent, how much individual calls cost her, or what other fees and services might have been charged to her account.<sup>82</sup> Evercom must provide all of its customers

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<sup>80</sup> *Id.*

<sup>81</sup> Affidavit of Sonia Booker, attached as Exhibit A-1, ¶ 4. *See also* the problem another Evercom customer had with customer service related to Internet accessibility at fn. 97, *infra*.

<sup>82</sup> *Id.*

with documentation of call and related charges deducted from their prepaid accounts, even those without Internet access.

#### **D. Customer Service Problems**

##### **i. GTL**

Family members and friends of prisoners relayed several complaints about GTL customer service. One Petitioner with an excellent credit rating who has been receiving collect calls from her nephew at MCI-Norfolk for several years described a November 2009 incident where the GTL agent she reached was abusive and made a disparaging comment about prison families.<sup>83</sup> The Petitioner was attempting to reestablish her monthly credit limit of \$75 so that she could continue to receive collect calls without setting up a prepaid account.<sup>84</sup> She reports being on hold for each call an average of 40 minutes, and then told a GTL agent would call her back; one of the returned calls came from GTL at 11:35 p.m.<sup>85</sup> Her summary comment: “[GTL’s] agents are rude, crude and insulting and need to learn how to speak more civilly to customers.”<sup>86</sup>

The mother of a prisoner at NCCI-Gardner, a Petitioner who was herself in customer service for over 30 years, has been trying for over two years to get a printout of call charges she has paid from her Advance Pay account.<sup>87</sup> She requested call documentation on several occasions in 2008 and again in November 2009 but has received nothing in response to those requests. She believes the agents have no interest in genuinely helping her. The agents made her

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<sup>83</sup> Affidavit of Barbara DiGirolamo, attached as Exhibit A-5, ¶ 7.

<sup>84</sup> *Id.* Effective October 2009, GTL lowered the credit limit for its collect call customers, i.e., those billed through Verizon, from \$200 to \$75. When Ms. DiGirolamo exceeded the new \$75 limit in October by a few dollars, she lost the ability to receive collect calls. *See* fn. 76. She was attempting to have the \$75 limit -- and the ability to receive collect as opposed to prepaid calls -- reinstated.

<sup>85</sup> *Id.* *See also* Affidavit of Leonardo Alvarez-Savageau, attached as Exhibit A-12, ¶ 5 (When GTL customer service calls back in response to a call, “it’s very late, when everyone is sleeping.”).

<sup>86</sup> Affidavit of Barbara DiGirolamo, *id.*

<sup>87</sup> Affidavit of Virginia Polk, attached as Exhibit A-8, ¶ 8. The remainder of this paragraph is based on ¶ 8 of Ms. Polk’s Affidavit.

feel as if she was imposing on or aggravating them. She speculated that she would have been fired had she treated her customers the way GTL agents treat her.

Direct bill customers, including most attorney and legal services offices Petitioners, registered fewer complaints with customer service than other individual customers. In large measure this is because direct bill customers are assigned special account managers who are accessible, generally polite, and able to resolve issues directly, or at least willing to investigate service issues.

The difference in customer service treatment between attorneys and legal services offices, on the one hand, and other individual customers, on the other, is highlighted by the experience of a Petitioner who is the father of a prisoner. He reported his initial frustration dealing with GTL customer service (concerning increasing the new \$75 credit limit on collect calls) and getting a “classic run-around” from them: being referred to someone who couldn’t help him and didn’t know who could.<sup>88</sup> His experience changed when he learned the number of a special customer representative who normally deals with attorneys and other large direct bill telephone customers: this agent resolved the issue and restored the Petitioner’s former credit limit in one call.<sup>89</sup> GTL’s treatment of this Petitioner contrasts starkly with that of the first Petitioner described in this section, who contacted GTL about the very same issue.<sup>90</sup>

Prisoners must rely on written correspondence with GTL to deal with their customer service issues since they cannot contact GTL by telephone. One prisoner Petitioner contacted GTL customer service “on many occasions” concerning the company’s failure to properly credit his debit calling account for calls that were cut off due to the erroneous detection of third party

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<sup>88</sup> Affidavit of Roger Carver, attached as Exhibit A-3, ¶ 4.

<sup>89</sup> *Id.*

<sup>90</sup> See discussion *supra* at footnotes 83-86.



calls.<sup>91</sup> GTL finally contacted him to say that they would credit him for dropped calls that required him to call back and incur another connection charge. Subsequently GTL informed him that they would not reimburse him because the calls under dispute were made to cellular phones. He reported he never called cell phones, brought a claim in small claims court last November, and was reimbursed for the call connection fees he incurred when he had to call someone back after being disconnected due to false detection of a three-way call.<sup>92</sup>

Another prisoner Petitioner resorted to filing a complaint with the FCC in an attempt to get the answers to his questions about GTL's charges and service.<sup>93</sup> He received records of disputed calls from GTL after more than ten months of requests and only after he filed the FCC complaint.<sup>94</sup> Prisoners with GTL debit calling accounts – indeed *all* customers provided telephone service by GTL – are entitled to responsive, courteous customer service representatives who deal with their telephone service complaints and issues in a timely manner.

## **ii. Evercom**

As was the case with GTL, individual, non-attorney customers generally had worse customer service experiences than attorneys and institutions. Three Petitioners all reported that

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<sup>91</sup> Affidavit of Shirley Jay McGee, attached as Exhibit A-17, ¶ 3. The remainder of this paragraph is based on ¶ 3 of Mr. McGee's Affidavit.

<sup>92</sup> GTL seems to be of two minds with respect to the use of cellular phones to receive collect calls from prisoners. On one hand, they argued to Mr. McGee that dropped calls made to cell phones are not reimbursable. On the other hand, GTL recognizes the money-making potential of calls to cell phones: calls are more likely to be disconnected (*see, e.g.*, the experience of Ms. Garin described *supra* in the text at footnotes 66 and 67), so the company stands to earn additional connection surcharges when parties immediately reconnect to finish an aborted call. The company's original brochure for prisoners and customers who needed to set up a prepaid Advance Pay account to receive prisoner calls specifically noted the problem: the section titled "how to avoid disconnection" lists "DON'T use a cell phone" as one of eight helpful tips to avoid call disconnection. *See* Exhibit B-1, a copy of the relevant page from the brochure. But a more recent brochure lists only six helpful tips to avoid call disconnection. It no longer warns customers not to use cell phones (or cordless phones). *See* Exhibit B-2, a copy of the newer brochure. The company cannot have it both ways: their three-way call detection technology must be calibrated so that calls to cell phones (and cordless phones) do not prompt erroneous third-party call detections and premature termination of legitimate calls.

<sup>93</sup> Affidavit of Marcos Ramos, attached as Exhibit A-21, ¶ 6.

<sup>94</sup> *Id.*

dealing with Evercom customer service was a frustrating challenge. The mother of a former county prisoner noted that she never actually spoke with a human being at Evercom about service problems: all she ever got was a recording.<sup>95</sup> A second Petitioner, whose fiancé is currently incarcerated in Worcester County, reports that Evercom refuses to credit her for calls where there was never a connection if the call supposedly lasted for more than one minute.<sup>96</sup>

The wife of a former prisoner noted her “serious problems with Evercom’s customer service.”<sup>97</sup> They were “completely unhelpful.” This Petitioner was told that if she wanted a credit for problem calls, she had to download a form from the company’s website and mail it in. She explained she couldn’t access the web, and asked if they could mail her a copy of the form. They refused. The Petitioner was unable to file claims for calls with bad connections. Evercom did offer to issue a refund for prematurely terminated calls but only if staff could listen to a tape of disputed calls. She thought this would have been an unwarranted invasion of her privacy.<sup>98</sup>

The contrast in customer service treatment between non-attorney and attorney customers is highlighted by one Petitioner’s experiences with Evercom. This Petitioner, an attorney, encountered a great deal of difficulty trying to contact customer service when he initially sought assistance from Evercom, including the extraordinary difficulty of speaking with a live person.<sup>99</sup> Once he contacted the unit assigned to deal with attorneys’ and other special customers’ service issues, his customer service problems ended. He was given a special number he could call with telephone or billing questions where he was (and would be) helped by a live human being, unlike

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<sup>95</sup> Affidavit of Sonia Booker, attached as Exhibit A-1, ¶ 5.

<sup>96</sup> Affidavit of Christine Rapoza, attached as Exhibit A-9, ¶ 7. *See* related discussion of this problem *supra* at text following fn. 70.

<sup>97</sup> Affidavit of Shirley Turner, attached as Exhibit A-10, ¶ 7. The remainder of this paragraph is based on ¶ 7 of Ms. Turner’s Affidavit.

<sup>98</sup> A simple review of call records can reveal likely prematurely dropped calls. *See* fn. 68 *supra*.

<sup>99</sup> Affidavit of James R. Logar, attached as Exhibit A-25, ¶ 3. The remainder of this paragraph is based on ¶ 3 of Mr. Logar’s Affidavit.

the experience of family and friend Petitioners who contacted Evercom's customer service to seek relief for their telephone problems.

**E. Other Service Issues: GTL**

***i. Problems with Broken or Malfunctioning Equipment.***

DOC prisoners, including several Petitioners, reported many instances of broken, damaged or otherwise malfunctioning telephone equipment. Damaged or broken telephone equipment undoubtedly causes at least some of the connection problems described in section A.i. above. For example, from October 2009 through January 2010, Petitioners at NCCI-Gardner reported more and more problems with the telephones in their units. Two Petitioners in the Thompson-3 unit reported that in January only one telephone out of a total of nine serving the unit's 159 men was working reliably.<sup>100,101</sup> Of the others, three didn't work at all, while the five that did allow a call to go through had serious connection and sound problems as outlined in section A.i., above. With so many men wanting to make calls, these lines were regularly used notwithstanding the poor sound quality and resultant poor connections. Prisoners at Gardner reported rising frustration in the population with the broken equipment and difficulty communicating successfully with family and friends. It was reported that the challenges prisoners faced in accessing reliable working phones meant that at least some began using working telephones outside of authorized time periods and received disciplinary tickets for breaking institutional rules.

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<sup>100</sup> Affidavits of Samuel Conti and Gerardo Rosario, attached as Exhibits A-15 and A-22, respectively, ¶ 7. See also the letter of NCCI-Gardner Superintendent James Saba to MCLS reporting "significant issues" with telephones at the facility, attached as Exhibit C. The remainder of this paragraph is based on the Affidavits of Messrs. Conti (¶¶ 7, 9) of and Rosario (¶ 7).

<sup>101</sup> Two additional phones are accessible only to the 30 prisoners who live in bunk beds in the Thompson unit dormitory. Neither of those phones was working at least part of the time under discussion. Affidavits of Messrs. Conti and Rosario, *id.*, ¶ 7.

In late January, both DOC and Petitioners reported that GTL began much-needed telephone repairs throughout NCCI-Gardner.<sup>102</sup> But even after the repairs, one of the Thompson-3 unit's nine phones available to all 159 men in the unit remained inoperable.<sup>103</sup> Connection problems persisted. For example, one Petitioner at Gardner reported calling his girlfriend five times on different phones before a successful, audible connection was made.<sup>104</sup> This prisoner, who estimates he talks on the phone at least one hour per day, noted the high tension that results from overcrowding, on the one hand, and the pressure of 129 men trying to call families and friends on the eight phones – not all of which are reliable – that are available to the prisoners in the Thompson-3 unit who live in prison cells.<sup>105</sup> Another Petitioner who is a prisoner in Gardner's H unit also noted that telephones were supposed to be repaired in January.<sup>106</sup> Phone service did not improve, however. "All of the telephones in the H unit continue to be unreliable and sound quality remains generally poor, unchanged from before," the prisoner noted.<sup>107</sup>

A Petitioner who lives in MCI-Shirley reported on February 16 that of the eight phones serving the C-2 unit and its 96 inhabitants that day, two worked reliably, one was completely dead, and the others were variable in the quality of connection: sound quality could be poor or okay, some telephones connected only intermittently.<sup>108</sup> If a prisoner chooses one of the phones that are not working well, he has to shout to be heard.<sup>109</sup> This prisoner also reported a new problem with the Shirley phones in mid-April: connecting a call can take up to 20 minutes after

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<sup>102</sup> Affidavits of Messrs. Conti and Rosario, attached as Exhibits A-15 and A-22, respectively, ¶ 8; letter of NCCI-Gardner Superintendent Saba, attached as Exhibit C.

<sup>103</sup> Affidavit of Samuel Conti, *id.*, ¶¶ 8, 9.

<sup>104</sup> *Id.*, ¶ 8.

<sup>105</sup> *Id.*, ¶¶ 7, 9. As noted above, thirty men in the Thompson-3 unit live in a dormitory with bunk beds. There are an additional two phones there, exclusively for use by dormitory residents. These 30 individuals can also access the other phones in Thompson-3.

<sup>106</sup> Affidavit of Marcos U. Ramos, attached as Exhibit A-21, ¶ 9.

<sup>107</sup> *Id.*

<sup>108</sup> Affidavit of James P. Carver, attached as Exhibit A-14, ¶ 8.

<sup>109</sup> *Id.*

dialing the number.<sup>110</sup> The caller is repeatedly told, “please hold; please hold.” Then long periods of silence and a recording that “the called party does not answer.” Or a loud piercing noise that forces the men to hang up. The Petitioner reports that this process can be repeated several times before a call gets through, with prisoners spending up to an hour to make one call. “This is all very frustrating,” he concluded.

The Shirley Petitioner noted that the hearing volume did not work on any of the telephone sets, so that if a prisoner is hard of hearing he can only use the line with the clearest connection.<sup>111</sup> Petitioners at Gardner also noted that volume controls do not work on the telephones there.<sup>112</sup> This is a breach of GTL’s contract with DOC dated February 10, 2006 for the provision of telephone services (the GTL Contract), which requires that all telephones have working volume controls. *See* §5.3.10 (at p. 53) of the Request for Response (RFR), DOC File No. 1000-Phone2006, dated July 11, 2005, that is incorporated into the GTL Contract.<sup>113</sup> Copies of relevant pages of the GTL Contract that are cited herein are attached as Exhibit D hereto.

Petitioners at both NCCI-Gardner and MCI-Shirley pointed out that inconsistent quality of service involving the same telephone equipment was another aspect of the problem of poor telephone connections when using GTL telephones.<sup>114</sup> Several Petitioners reported that a telephone set that is working well one day may not be working well the next, and vice-versa. Prisoners have no reliable means of determining in advance which telephone(s) will actually work well at any given time and provide them with a clear connection to the persons they are

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<sup>110</sup> *Id.*, ¶ 9. The remainder of this paragraph is based on ¶ 9 of Mr. Carver’s Affidavit.

<sup>111</sup> *Id.*, ¶ 8.

<sup>112</sup> *See, e.g.*, Affidavits of Messrs. Conti (Exhibit A-15, ¶ 7), Nadworny (Exhibit A-20, ¶ 8), and Ramos (Exhibit A-21, ¶ 7).

<sup>113</sup> Further references to the GTL Contract herein will be to specific sections and/or pages of the RFR, which contains the substantive content of the GTL Contract.

<sup>114</sup> *See e.g.*, Affidavits of Messrs. Carver (Exhibit A-14, ¶ 7), Ramos (Exhibit A-21 ¶ 8), and Rosario (Exhibit A-22 ¶ 9).

calling. The source(s) of and reason(s) for the inconsistency is unknown. Possible causes include damaged telephone lines and problems with switching or transmission equipment.<sup>115</sup>

Whatever the cause of the problem, it translates into higher telephone bills for prisoners and their families since prisoners cannot depend on any telephone set to deliver a good, clear connection. Because of the damaged and malfunctioning equipment, prisoner Petitioners report that they often have to place a call four, five or more times before a usable connection is made, often incurring additional connection charges in the process.<sup>116</sup>

Under its contract with DOC, GTL is ultimately responsible for 100% of the maintenance, repair and replacement of all telephone equipment used in connection with prisoner telephone calls. *See* Exhibit D, RFR, at p. 3 (“There shall be no cost to the DOC for the installation or maintenance of the ICS [Inmate Calling System] at each DOC facility. The Bidder is responsible for replacement of the ICS in its entirety or its individual components regardless of cause including, but not limited to, normal wear/use, inmate abuse, natural disaster, or inmate unrest.”; §5.1.5 (p. 34); §5.1.43 (p. 39), and § 5.9 (pp. 68-71, particularly §§5.9.3, 5.9.6, 5.9.7). Many of the quality of service problems described in sections A.i and B.i. above would be alleviated if mal- or non-functioning (including damaged or broken) telephone equipment and lines throughout the DOC prison system were adequately repaired and/or replaced.

***ii. Excessive recorded warnings.***

Petitioners who make or receive prisoner calls from DOC facilities assert that repetitive and therefore unnecessary recorded messages consume expensive and limited conversation time

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<sup>115</sup> One Petitioner reported that when he was at MCI-Norfolk, the telephone room, where lines from the institution converged before calls were transmitted outside the facility, was subject to overheating. When that occurred, connections were generally poor. Affidavit of James Carver (Exhibit A-14, ¶ 5).

<sup>116</sup> *See e.g.*, Affidavits of Messrs. Carver (Exhibit A-14, ¶ 9), Conti (Exhibit A-15, ¶ 8), and Ramos (Exhibit A-21 ¶ 7).

with incarcerated friends, families, and clients.<sup>117</sup> The current recorded format used by GTL on calls other than to attorneys begins with a standard introduction that the call is coming from a correctional institution and that it will be monitored and recorded. The introduction takes thirty-to-forty seconds. Then, every four minutes or so another recorded announcement declares that “this message is being monitored and recorded,” during which time the parties cannot speak with one another. On a twenty-minute call, the recording can be heard four or five times. Then toward the end of the call there are warnings when 60 seconds are left and again when ten seconds remain.

Petitioners complain that the repeated warning that the call is being monitored and recorded is completely unnecessary: the warning in the beginning is more than sufficient.<sup>118</sup> Evercom’s practice supports their position: on Evercom calls, the warning about call monitoring and recording is heard only in the introductory announcement – it is not repeated again during the call. For a period of time in February, two Petitioners reported that calls from the Orientation Unit at MCI-Shirley omitted all but the initial warning that the call would be monitored and recorded mirroring Evercom’s practice of only one warning.<sup>119</sup> Both were delighted that GTL had decided to change its practice and eliminate the unnecessary, time-consuming warnings. However when the prisoner Petitioner was transferred to his old unit at the facility, the regular, every four minute warning reappeared. There is clearly no reason for GTL to continue the unnecessary but time-consuming warnings.

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<sup>117</sup> Affidavits of Kimberly Eckmann (Exhibit A-6, ¶ 4), and Messrs. R.Carver (Exhibit A-3, ¶ 6), J. Carver (Exhibit A-14, ¶ 12), Conti (Exhibit A-15 ¶ 11), and Ramos (Exhibit A-21 ¶ 12). The remainder of this paragraph is based on the same paragraphs of these Affidavits.

<sup>118</sup> *Id.*

<sup>119</sup> Affidavits of Kimberly Eckmann (Exhibit A-6, ¶ 4), and James Carver (Exhibit A-14, ¶ 12). The remainder of this paragraph is based on the same paragraphs in these Affidavits.

### *iii. Long Periods of Silence at Commencement of Calls.*

Prisoners at NCCI-Gardner and OCCC complain about the long periods of silence – three to four minutes – they must endure after they place a call and before it connects.<sup>120</sup> Before June 2009, prisoners could hear the phone ringing, or a busy signal, or some other indication of call status until the call went through or terminated.<sup>121</sup> This on-going notification of call status is mandated by DOC's contract with GTL. *See* §5.1.15 of the RFR (p. 36) which states that GTL's system "must provide notification to an inmate of the call status (e.g., ringing, busy, etc.)." Previously, prisoners could hear what was going on but could not speak and understood where they were in the on-going process of placing the call. The current practice of blocking any and all indications of what is happening on the call recipients' end is a source of deep frustration and concern for prisoners. One Petitioner with an elderly mother described the practice as "abusive" as prisoners are left to wonder if an aged parent "is on the phone or on the floor" since they have no idea of the status of the call.<sup>122</sup> Another Petitioner said "waiting for a long time wondering what is going on" is a serious problem.<sup>123</sup> The absence of information translates into the need to call his family back "many times" because he can't tell what, if anything, is happening on the other end. "I saw this cause fights to happen when others were waiting to use the phones [and saw guys holding phones to their ears but not talking]." He reiterated: "this is a huge problem that needs to be fixed."

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<sup>120</sup> Affidavits of David Baxter (Exhibit A-13, ¶ 3), Samuel Conti (Exhibit A-15, ¶ 10), Eric Mathison (Exhibit A-16, ¶ 6), Shirley McGee (Exhibit A-17, ¶ 5), Stephen Metcalf (Exhibit A-18, ¶ 5), William Nadworny (Exhibit A-20, ¶ 9), Gerardo Rosario (Exhibit A-22, ¶ 10), and Edward Sarmanian (Exhibit A-23, ¶ 5).

<sup>121</sup> *See, e.g.*, Affidavits of Samuel Conti (Exhibit A-15, ¶ 10), Shirley McGee (Exhibit A-17, ¶ 5), and Gerardo Rosario (Exhibit A-22, ¶ 10).

<sup>122</sup> Affidavit of Samuel Conti (Exhibit A-15, ¶ 10).

<sup>123</sup> Affidavit of David Baxter (Exhibit A-13, ¶ 3). The remainder of this paragraph is based on ¶ 3 of Mr. Baxter's Affidavit.



## V. CONCLUSION

The original Petition filed in this case provides incontrovertible evidence that Petitioners and other telephone company customers who initiate or receive prisoner telephone calls are paying unjust and unreasonable rates for those calls. In this Supplement, Petitioners present specific and widespread quality of service problems they routinely encounter in connection with prisoner telephone calls notwithstanding the exorbitant rates they pay for this service. In addition to the relief sought in the original Petition including an end to unjust and unreasonable rates for prisoner telephone calls, and based on the quality of service problems presented in this Supplement, Petitioners respectfully request that the Department of Telecommunications and Cable investigate these quality of service issues and order such remedial action on the part of prisoner telephone service providers as the Department shall deem necessary and appropriate. Among other actions, Petitioners request that the Department require that all prisoner telephone service providers (i) replace and/or repair all non- and malfunctioning telephone equipment used in providing prisoner telephone call service, including without limitation telephone units and lines, whether such equipment is located inside or outside state and county correctional facilities; (ii) calibrate three-way calling detection systems such that prisoner telephone calls in the state are not prematurely terminated unless genuine attempts to evade telephone security measures are initiated; (iii) provide each of their customers who initiate or receive calls from prisoners and have prepaid accounts with the company a detailed accounting of how the funds deposited into such accounts are actually allocated and spent; and (iv) limit the number of recorded warnings concerning the recording and monitoring of calls that are played during a prisoner telephone call to one at the beginning of such call.

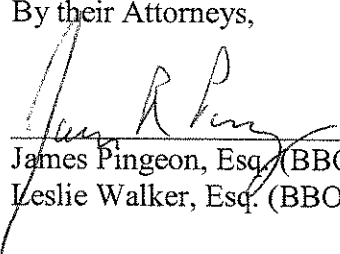
Respectfully submitted,

Massachusetts Correctional Legal Services  
Stern, Shapiro, Weisberg & Garin  
Committee for Public Counsel Services  
Disability Law Center  
Essex County Bar Association Advocates Inc.  
Prisoners' Rights Clinic at Northeastern University

School of Law

Sonia Booker  
Lula Bozeman  
Roger Carver  
Jean Conti  
Barbara DiGirolamo  
Kim Eckmann  
Patricia Gonet  
Virginia Polk  
Christine Rapoza  
Shirley Turner  
Cheryl Williams  
Leonardo Alvarez-Savageau  
David Baxter  
Derek Biggs  
James Carver  
Samuel Conti  
Stephen Fernandes  
Anthony Giugliano  
Eric J. Mathison  
Shirley Jay McGee  
Stephen Metcalf  
Kenneth Moccio  
William Nadworny  
Marcos Ramos  
Isaias Rodriguez  
Gerardo Rosario  
Edward Sarmanian  
Beverly Chorbajian, Esq.  
Howard Friedman, Esq.  
James Logar, Esq.  
Peter T. Sargent, Esq.  
Joshua Werner, Esq., *Petitioners*

By their Attorneys,



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James Pingeon, Esq. (BBO 541852)  
Leslie Walker, Esq. (BBO 546627)

Massachusetts Correctional Legal Services  
8 Winter Street, 11<sup>th</sup> Floor  
Boston, MA 02108  
(617) 482-2773  
[jpigeon@mcls.net](mailto:jpigeon@mcls.net)  
[lwalker@mcls.net](mailto:lwalker@mcls.net)

  
\_\_\_\_\_  
Patricia Garin, Esq. (BBO 544770)  
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90 Canal St., 5<sup>th</sup> Floor  
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(617) 742-5800  
[pgarin@sswg.com](mailto:pgarin@sswg.com)

Dated: May 18, 2010

## APPENDIX I

### Petitioners and their Telephone Service Providers

#### Petitioner

#### Telephone Service Provider

##### *Institutions*

**Massachusetts Correctional Legal Services (Co-Counsel)**  
8 Winter Street, 11<sup>th</sup> Floor  
Boston, MA 02108  
Attn.: James Pingeon, Esq.

Evercom, GTL, DSI

**Stern, Shapiro, Weisberg & Garin (Co-Counsel)**  
90 Canal Street, 5<sup>th</sup> Floor  
Boston, MA 02114  
Attn.: Patricia Garin, Esq.

Evercom, GTL

**Committee for Public Counsel Services**  
44 Bromfield Street  
Boston, MA 02108  
Attn.: Anthony J. Benedetti, Esq., General Counsel

Evercom, GTL, DSI

**Disability Law Center**  
11 Beacon Street, Suite 975  
Boston, MA 02108  
Attn.: Kathryn Joyce, Esq., Executive Director

Evercom, GTL

**Essex County Bar Association Advocates Inc.**  
221 Essex Street, Suite 3  
Salem, MA 01970  
Attn.: David Hallinan, Esq.

Evercom, GTL

**Prisoners' Rights Clinic**  
Northeastern University School of Law  
Dockser Hall  
360 Huntington Avenue  
Boston, MA 02115  
Attn.: James Rowan, Esq.

GTL

##### *Family and Friends of Prisoners*

**Sonia Booker**  
214 Harvard St. Apt. 3A  
Dorchester, MA 02124

Evercom

**Lula Bozeman**  
49 Withington Street  
Dorchester, MA 02124

**Evercom**

**Roger Carver**  
12 Briarwood Court  
North Andover, MA 01845

**GTL**

**Jean Conti**  
One Glenwood Ave.  
Hyde Park, MA 02136

**GTL**

**Barbara DiGirolamo**  
669 Saratoga St.  
East Boston, MA 02128

**GTL**

**Kimberly Eckmann**  
11 Bunker Hill Rd.  
Ipswich, MA 01938

**GTL**

**Patricia Gonet**  
11 Emerald Drive  
Dartmouth, MA 02747

**Evercom**

**Virginia Polk**  
7 Sesame Street  
Dracut, MA 01826

**GTL**

**Christine Rapoza**  
P.O. Box 9776  
Fall River, MA 02720

**Evercom**

**Shirley Turner**  
116 High St.  
Ipswich, MA 01938

**Evercom**

**Cheryl Williams**  
196 Beach St.  
Quincy, MA 02170

**GTL**

***Attorneys***

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Evercom, GTL

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Quincy, MA 02169

Evercom, GTL, DSI

**Peter T. Sargent, Esq.**  
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Gardner, MA 01440

Evercom, GTL

**Joshua Werner, Esq.**  
944 Washington St., Suite 2  
South Easton, MA 02375

Evercom, GTL

***Prisoners***

**Leonardo Alzare-Savageau (W92556)**  
**James Carver (W47514)**  
**Kenneth Moccio (W86539)**  
MCI-Shirley  
PO Box 1218  
Shirley, MA 01464

GTL  
GTL  
GTL

**David Baxter (W83642)**  
**Shirley Jay McGee (W88293)**  
MCI-Concord  
965 Elm Street  
PO Box 9106  
Concord MA, 01742

GTL  
GTL

**Derek Biggs (W66551)**  
**Samuel Conti (W84707)**  
**Stephen Metcalf (C57664)**  
**William Nadworny (W40533)**  
**Marcos Ramos (W69760)**  
**Isaias Rodriguez (W80211)**  
**Gerardo Rosario (W90224)**  
**Edward Sarmanian (W45480)**  
NCCI-Gardner  
500 Colony Road  
P.O. Box 466  
Gardner, MA 01440

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GTL

**Stephen Fernandes** (W51196)  
**Eric J. Mathison** (W93154)  
Old Colony Correctional Center  
One Administration Road  
Bridgewater, MA 02324

**GTL**  
**GTL**

**Anthony Giugliano** (W86282)  
MCI-Norfolk  
2 Clark Street  
P.O. Box 43  
Norfolk, MA 02056

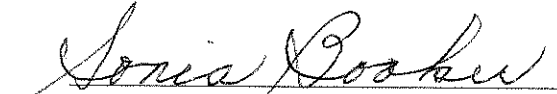
**GTL**

**AFFIDAVIT**

I, Sonia Booker, do hereby affirm that:

1. I reside in Massachusetts at 214 Harvard Street, Apt. 3A in Dorchester, MA 02124.
2. For two years, from March 2008 until March 20, 2010, my son was incarcerated at the Middlesex County House of Correction in Billerica, MA (Billerica). I was a customer of Evercom, Inc. (Evercom) for the entire time of my son's incarceration. The company's telephone service allowed me to receive collect telephone calls from him.
3. While my son was incarcerated, I had a prepaid account with Evercom that was in my name. I was responsible for paying Evercom for the telephone services the company provided to me, and regularly deposited my own funds into the Evercom account.
4. I never received any printed statement or invoice from Evercom that told me how much I had spent on calls from my son. I never had any idea how the money I deposited into my account was actually spent, how much individual calls cost, or what was charged to the account. I do not have Internet access.
5. Whenever I tried to contact Evercom's customer service, all I ever got was a recording. I was never able to speak with anyone about their service.

Signed under the penalties of perjury this 30 day of April, 2010.

  
Sonia Booker

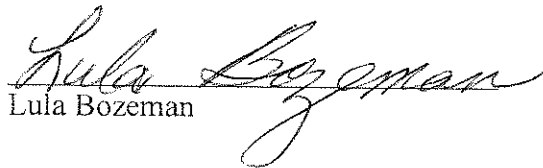


**AFFIDAVIT**

I, Lula Bozeman, do hereby affirm that:

1. I reside in Massachusetts at 49 Withington Street in Dorchester, MA 02124.
2. For approximately 18 months, from June 2008 until about December 16, 2009, my son was incarcerated at the Suffolk County Jail and House of Correction in Boston, MA (Suffolk HOC), a correctional facility operated by the Suffolk County Sheriff's Department. I was a customer of Evercom, Inc. (Evercom) for the entire time of my son's incarceration. The company's telephone service allowed me to receive collect telephone calls from him.
3. While my son was incarcerated, I had a prepaid account with Evercom that was in my name. I was responsible for paying Evercom for the telephone services the company provided to me, and regularly deposited my own funds into the Evercom account.
4. I generally spoke with my son four-to-seven times a week, sometimes more, sometimes less.
5. Many of the calls I received from my son were bad connections, when his voice wasn't clear, or he couldn't hear me well. Sometimes I could hear him but he couldn't hear me at all. When the connection was really bad we would have to hang up and he would call me back on another phone.
6. About once a week, sometimes more, our calls would be cut off by a recording that said that a third party is on the line. This was never true- there was never a third party on the line.

Signed under the penalties of perjury this 29 day of April, 2010.

  
Lula Bozeman

## AFFIDAVIT

I, Roger Carver, do hereby affirm that:

1. I reside in Massachusetts at 12 Briarwood Court, North Andover, MA 01845.
2. My son is incarcerated at MCI-Shirley in Shirley, MA (MCI-Shirley), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides me with telephone service that allows me to receive telephone calls from my son.
3. I receive four-to-five collect calls from my son each week on average. Until February 2010, invoices for most of the collect calls I received from my son were billed to me through my regular telephone provider, Verizon. I paid for those collect calls when I paid my Verizon bill each month. I am the customer of record with Verizon, and I used (and continue to use) my personal funds to pay Verizon invoices. In February 2010, I began paying for some of the collect calls I receive from my son using a prepaid Advance Pay account that is in my name.
4. In late October 2009, I started having problems receiving collect calls from my son. At that time GTL without notice to me cut off my ability to pay for collect calls billed through Verizon because I had more than \$75.00 of collect calls in one month. My initial calls to customer service in October to deal with this problem resulted in a classic run-around: a returned call from customer service that referred me to billing. No one in billing could help me with my issue, or refer me to someone who could. Not finding anyone who could help me or give me a straight answer was frustrating. Subsequently I learned the number of a GTL customer representative who deals with problems of attorneys and institutional clients. Once I reached this special representative, I was able to resolve the issue quickly and the ability to receive collect calls from my son that were billed through Verizon was restored.
5. Poor reception is a recurring, frequent problem of telephone calls from my son. I regularly have difficulty hearing him and he tells me he has trouble hearing me sometimes as well. Sometimes when the connection is bad and I am trying to hear my son, I turn up the volume on my receiver. Then while straining to hear him even with the volume up, an advisory recording will suddenly come at a loud volume that blasts into my ear.
6. The repetitive and annoying recorded announcement that "This call may be monitored and recorded" continually interrupts the conversation. The announcement comes through loud and clear, unlike the poor reception of the actual call from my son. I want to know why is it necessary to repeat that recorded message over and over, on my time and money?

Signed under the penalties of perjury this 3<sup>RD</sup> day of NOV, 2010.

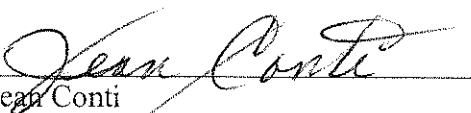
  
Roger Carver

**AFFIDAVIT**

I, Jean Conti, do hereby affirm that:

1. I reside in Massachusetts at One Glenwood Ave., Hyde Park, MA 02136.
2. My son is incarcerated at the North Central Correctional Institute in Gardner, MA (NCCI), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides me with telephone service that allows me to receive telephone calls from my son.
3. I receive at least two collect calls from my son every day. Until late October 2009, charges for the collect calls from my son were billed to me through my regular telephone provider, Verizon. I paid for those collect calls when I paid my Verizon bill each month. I am the customer of record on the Verizon bills, and I used my personal funds to pay those bills.
4. Starting in late October 2009, collect calls from my son did not come through unless he paid for them using his prison debit account. I could no longer accept collect calls from him that I would pay through Verizon. Even though I always paid my phone bills on time, my son told me that collect calls were cut off because I had more than \$75.00 of calls in one month. To receive calls from my son after the cut-off, the calls would have to be prepaid by my son using his prison debit account, or by me if I set up a prepaid account with GTL. GTL never informed me of the change. Before the change in policy in late October, I spoke with my son at least three times a day. As a result of the change, I speak to my son less frequently now.
5. The sound quality of the telephone calls I receive is inconsistent. On average one-third of the calls I receive have static or some other problem with the connection, including hearing other prisoners' voices on the line.

Signed under the penalties of perjury this 1<sup>st</sup> day of MAY, 2010.

  
Jean Conti

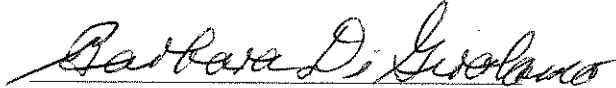
**AFFIDAVIT**

I, Barbara B. DiGirolamo, do hereby affirm that:

1. I reside in Massachusetts at 669 Saratoga St., East Boston, MA 02136.
2. My nephew is incarcerated at MCI-Norfolk in Norfolk, MA (MCI-Norfolk), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides me with telephone service that allows me to receive telephone calls from my nephew.
3. I receive one or two collect calls from my nephew each week. Until late October 2009, charges for the collect calls from my nephew were billed to me through my regular telephone provider, Verizon. I paid for those collect calls when I paid my Verizon bill each month. I am the customer of record on the Verizon bills, and I used my personal funds to pay those bills.
4. Starting in late October 2009, collect calls from my nephew did not come through unless he paid for them using his prison debit account. I could no longer accept collect calls from him without setting up a prepaid account with GTL which I did not want to do. I always paid my phone bills on time, but regular collect calls were cut off because I apparently had more than \$75.00 of calls in one month. GTL did not inform me of the new policy beforehand, or that I would be cut off and not able to reinstate regular collect call service through Verizon if I exceeded the limit. I only learned of the change and new \$75 limit on collect calls (down from \$200) after I called GTL in November.
5. The sound quality of the telephone calls I receive is poor: bad connections are a constant problem. I usually have great difficulty hearing my nephew, and he tells me he sometimes has a problem hearing me.
6. Dropped or cut-off calls are an occasional problem. The cut-off is usually preceded by a recorded warning that a three-way call has been detected. But I do not have the three-way calling feature and cannot make three-way calls.
7. My communications with GTL customer service have been quite unpleasant. When I called them last November to find out why I couldn't accept collect calls paid through Verizon anymore, I asked some questions about the new policy and whether the \$75.00 limit would reset itself with the new billing cycle. I was told twice that I would have to move to a prepaid plan to accept collect calls, and after the second time, the agent became rude and abusive and said something negative about "prison families." After speaking further, the agent hung up on me. I made several subsequent calls to clarify billing issues, the cost of setting up a prepaid account (with different agents giving me different fees and charges), and was hung up on at least two additional times. For each of the several calls I made to GTL I was on hold for at least 40 minutes and then told GTL would call me back within two hours. The last call I got from them came at 11:35 p.m.

GTL's agents are rude, crude, and insulting and need to learn how to speak more civilly to customers.

Signed under the penalties of perjury this 3<sup>RD</sup> day of MAY, 2010.

  
Barbara DiGirolamo

**AFFIDAVIT**

I, Kimberly Eckmann, do hereby affirm that:

1. I reside in Massachusetts at 2 Winter Street, Apt. 5, Ipswich, MA 01938.
2. My boyfriend is incarcerated at MCI-Shirley in Shirley, MA (MCI-Shirley), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides me with telephone service that allows me to receive telephone calls from him. I have two accounts with GTL: one on my work land line and a second on my cellular telephone. I am billed through Verizon for collect calls I accept on the work line. The cellular telephone account is a GTL prepaid account.
3. I usually receive one collect call from my boyfriend every day, sometimes less and occasionally more. Most of our phone calls do not have good connections. My boyfriend often sounds very garbled and occasionally words are cut out as we are talking. In addition, once or twice each week phone calls are dropped or cut-off before we end the conversation and before the 20 minute time limit for calls is reached.
4. It is unnecessary for the recorded announcement "This call is being monitored and recorded" to play continually, regularly interrupting the conversation. While this recording is playing we cannot speak to each other. Playing the recording once at the beginning of the call should be sufficient. When my boyfriend was in the Orientation Unit in February, the recording was in fact only played at the beginning of his calls to me. But when he returned to his regular unit, the message started repeating again every four minutes. The message only needs to play at the beginning of the call.

Signed under the penalties of perjury this 4 day of 29, 2010.

  
\_\_\_\_\_  
Kimberly Eckmann

**AFFIDAVIT**

I, Patricia Gonet, do hereby affirm that:

1. I reside in Massachusetts at 11 Emerald Drive in Dartmouth, MA 02747.
2. My son is currently incarcerated at the Bristol County Jail and House of Correction in North Dartmouth, MA (Bristol HOC), a correctional facility operated by the Bristol County Sheriff's Office. I am a customer of Evercom, Inc. (Evercom), which provides me with telephone service that allows me to receive collect telephone calls from my son.
3. I maintain a prepaid account with Evercom that is in my name. I am responsible for paying Evercom for the telephone services the company provides to me, and regularly deposit my own funds into the Evercom account, generally by charging my personal credit card.
4. I generally speak with my son once a week.
5. I have experienced problems with telephone connections in the last several months. Sometimes after the connection is established, I can't hear anything- the line is open, but I can't hear my son, or anything else. There seems to be a problem just trying to get connected.

Signed under the penalties of perjury this 30 day of April, 2010.

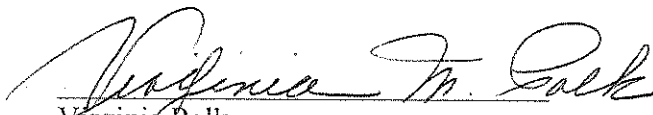
  
Patricia Gonet

**AFFIDAVIT**

I, Virginia Polk, do hereby affirm that:

1. I reside in Massachusetts at 7 Sesame Street in Dracut, MA 02747.
2. My son is incarcerated at the North Central Correctional Institute in Gardner, MA (NCCI), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides me with telephone service I requested that allows me to receive telephone calls from my son.
3. I have a prepaid calling account with GTL. I am responsible for paying for the telephone services I receive from GTL, and periodically deposit personal funds into the GTL prepaid account. Funds deposited into this account, which is in my name, pay for at least some of the phone calls I receive from my son.
4. I receive approximately three calls per week from my son, sometimes more.
5. Calls from my son are prematurely cut off quite often. I estimate that between one-third and one-half of the calls I receive are dropped or cut off before the twenty minute limit is reached.
6. The quality of the telephone connection for calls from my son is generally terrible. On many calls I can barely hear him.
7. GTL last provided me with a printout listing details of charges for telephone calls from my son sometime in 2007. Since then I have not received any documentation providing details of call charges or other deductions from my prepaid GTL account despite several requests that such documentation be provided in 2008 and 2009. I last contacted GTL customer service in November 2009 and requested that they send me a printout of call and related charges deducted from my GTL account for 2009. They told me they would send me the requested records. I still have not received anything from them as of the date of this Affidavit.
8. My experience with GTL customer service has not been good. When I speak with a GTL representative and make a request, it does not feel like they genuinely want to help me. Instead, it feels like I am imposing on or aggravating them. I worked in customer service for thirty years, and if I had treated customers as rudely as GTL representatives have treated me, I believe I would have been fired.

Signed under the penalties of perjury this 3 day of May 2010.

  
Virginia Polk



### AFFIDAVIT

I, Christine Rapoza, do hereby affirm that:

1. I reside in Massachusetts at 163 Winter St. in Fall River, MA 02720.
2. My fiancé is currently incarcerated at the Worcester County Jail and House of Correction in Worcester, MA (Worcester HOC), a correctional institution operated by the Worcester County Sheriff's Department. Evercom, Inc. (Evercom) provides me with telephone service, which I requested, that permits me to receive telephone calls from my fiancé.
3. From June, 2009 to February 17, 2010, my fiancé was incarcerated at the Suffolk County House of Correction in Boston, MA (SCHOC), before being transferred to Worcester HOC. While my fiancé was incarcerated in SCHOC, Evercom provided me with telephone service that allowed me to receive collect phone calls from him.
4. I have a prepaid account with Evercom that is in my name. I am responsible for paying for the telephone services Evercom provides to me, and regularly transfer or pay personal funds into the prepaid Evercom account via credit card or otherwise.
5. I generally receive two-three calls per day from my fiancé, sometimes more. I estimate that I receive between 14 and 20 phone calls from him every week.
6. Phone connections at both SCHOC and Worcester HOC are generally not good. At both facilities he could not hear me that well or I had difficulty hearing him on the majority of calls. This was because of static on the line, voices fading in and out, and sometimes clicking noises.
7. When my fiancé was incarcerated at Suffolk, about two or three of the 14-to-20 calls I received weekly from him were dropped or cut-off prematurely, sometimes more. The situation is even worse at Worcester: the telephones seem to be really sensitive to any sound. Now if I sneeze or breathe too loudly, the telephone disconnects. Calls also cut off when prisoners' yelling in the background gets too loud. (See the attached printout of recent call charges. The two-, three- and four-minute calls -- charged at \$3.30 and \$3.40 -- are clearly prematurely cut off especially when my fiancé calls me right back. Other calls of longer duration are sometimes prematurely cut off too.) Recently I had a number of calls cut off without our ever connecting and have been charged for the calls because they last 1:03 or 1:05 and are rounded up to two minutes. Evercom won't credit me for these cut-off calls even though we never connected or spoke. Considering that the recorded announcement at Worcester lasts over 40 seconds, and time is needed for my account to be checked and debited and for other aspects of telephone security to take effect, it is not surprising that the call set-up would take over one minute. And then to be charged another \$3 per call surcharge even when there has been no connection is really frustrating and completely unjustified. Especially since in

most instances he calls me back immediately, placing a new call and I am charged another \$3.00 connection fee.

8. Evercom provided me the same exact telephone services that allowed me to speak with my fiancé at the different county facilities where he has been incarcerated over the past three years. But calls overall are much more expensive for me for several reasons. First, calls are more frequently cut off or dropped at Worcester as explained in the preceding paragraph. Second, calls from Worcester HOC can last a maximum of only 15 minutes as opposed to a maximum of 20 or 30 minutes at the other county institutions my fiancé has been in over the past three years. At Bristol County Jail and House of Correction where he was first incarcerated, calls were handled by Evercom and lasted 30 minutes. This meant that a 30-minute call from my fiancé at Bristol County cost \$6.00. Now I have to pay \$9.00 to speak to him for 30 minutes at Worcester HOC because I have to pay the \$3 connection surcharge twice for 30 minutes worth of calls since calls are limited to 15 minutes at Worcester. To make matters worse, the recorded announcement for calls from Worcester is over 40 seconds. I have to pay for the recordings. With the recorded announcement that we have to sit through twice, this means that I get substantially less than 30 minutes of talk time with him.

8. I have a serious problem with the automated accounting system that is supposed to tell me the current balance on my account. The automated system will tell me one number, but calling back the next day before I have received any additional calls, the automated system reports a different balance, which is sometimes significant. Once the difference was \$20.00. This means that I have to transfer funds to the account on an emergency basis so that I can maintain regular contact with my fiancé.

Signed under the penalties of perjury this 5 day of May, 2010.

Christine A Rapoza  
Christine Rapoza

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Circled call pairs show immediate reconnection after being dropped or cut-off.

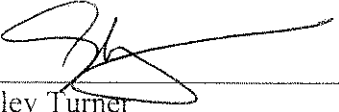
**AFFIDAVIT**

I, Shirley Turner, do hereby affirm that:

1. I reside in Massachusetts at 116 High St. in Ipswich, MA 01938.
2. From July 2008 until December 31, 2009, my husband was incarcerated at the Lawrence Correctional Alternative Center in Lawrence, MA, a correctional facility operated by the Essex County Sheriff's Department. I was a customer of Evercom, Inc. (Evercom) for the entire time of my husband's incarceration. Evercom's telephone service allowed me to receive collect telephone calls from him.
3. While my husband was incarcerated, I had a prepaid account with Evercom that was in my name. I was responsible for paying for the telephone services Evercom provided to me, and regularly transferred my own funds into the Evercom account.
4. I generally spoke with my husband once, sometimes twice a day, and more when necessary. We averaged seven-to-ten calls a week. I worked seven days a week at two jobs during much of my husband's incarceration so I could afford to pay the extra \$200-to-\$250 that the calls from my husband cost me each month over my regular telephone bill.
5. Most of the calls I received from my husband had really poor sound quality. Sometimes one party could hear but not the other, voices faded in and out, there was static that made hearing the other party difficult. Other times calls would be good for a few minutes, then all of a sudden it would be hard to hear one another. During high volume call times it was particularly bad. My husband's voice would be very hard to hear, as if he were speaking underwater, or there would be a lot of static on the line. When one of us couldn't understand the other as a result of a poor connection, we hung up and he would call me back. Sometimes trying a different phone would improve the sound quality, sometimes not. But each redialed call meant I was charged another \$3.00 connection fee because of Evercom's poor service. This would happen several times a week. When there were lots of other prisoners on the phones, I could often hear other guys shouting to be heard, then getting upset and slamming down the phone.
6. Calls would also be cut off regularly, before the 30 minute time limit on phone calls was up. This happened about once a week.
7. I had serious problems with Evercom's customer service. They refused to take responsibility for anything, saying it wasn't their problem if the phones were giving customers problems and the sound quality was poor. Customer service was completely unhelpful and insisted that I print out their on-line form if I wanted to claim credit for problem calls. But I couldn't access their website from work for security reasons. They told me to go to a library and use its computers. I couldn't get to one when it was open because I worked two jobs. Evercom refused to send me a form by mail, and I couldn't make a claim. So they refused to credit me for calls cut off prematurely or that had a bad

connection if the call was longer than one minute. Sometimes the sound quality would deteriorate after the call started; other times it would take a minute to realize there was a problem with the call. In either event, Evercom would not credit me for calls with bad connections. Also, Evercom offered to issue refunds for calls that were prematurely cut off, but only if I consented to their listening to the DOC's tape of the call. This would have been an unwanted and unnecessary invasion of my privacy.

Signed under the penalties of perjury this 3<sup>rd</sup> day of May, 2010.

  
\_\_\_\_\_  
Shirley Turner

**AFFIDAVIT**

I, Cheryl Williams, do hereby affirm that:

1. I reside in Massachusetts at 196 Beach St., Quincy, MA 02170.
2. My fiancé is incarcerated at North Central Correctional Institute in Gardner, MA (NCCI-Gardner), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides me with telephone service that allows me to receive telephone calls from him.
3. I receive at least four calls each day from my fiancé. Most of the calls are paid by my fiancé using his debit calling account at NCCI-Gardner. But I pay for some of those calls with a prepaid GTL Advance Pay account that I requested GTL establish for me. I am the customer of record on that account, and regularly transfer personal funds into it.
4. Almost all the calls I receive from my fiancé have poor reception for one reason or another. Sometimes his voice is broken up, or he'll sound muffled, like he is underwater. He tells me I cut in and out sometimes; and asks "are you there? Are you there?"
5. The only records I have of my GTL account are cancelled checks that I send to them to keep money in the account, or credit card entries for GTL. GTL gives me the balance on my account when I use it. But I have no way to determine actual per call charges. I also do not know when GTL is deducting money from my account for charges other than phone calls, or for what reason. For example in November 2009 I had a balance on an Advance Pay account but in December I had no balance on the account even though I had not used it to pay for any phone calls. I have no idea what amounts were charged to the account, or for what reasons.

Signed under the penalties of perjury this 4<sup>th</sup> day of May, 2010.

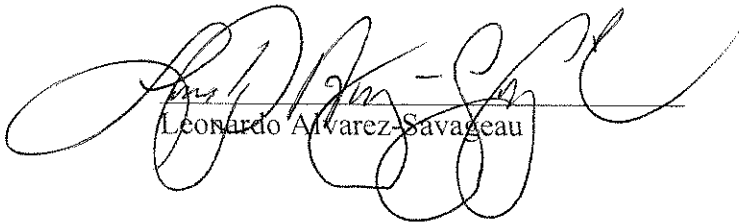
Cheryl Williams  
Cheryl Williams

**AFFIDAVIT**

I, Leonardo Alvarez-Savageau, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I reside at DOC's MCI-Shirley facility, located at PO Box 1218, Shirley, MA 01464.
2. I have a debit calling account at MCI-Shirley that allows me to place debit telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to DOC correctional institutions including MCI-Shirley. I requested that the debit calling account be established, and regularly transfer personal funds into this account so that I can place debit calls. I call my family and friends using GTL's collect call service as well.
3. I make between 7 and 20 calls each week.
4. About 5% to 10% of the time, I'll be in the middle of a conversation and the phone will cut off before the 20-minute time limit is reached. Most of the time the calls get dropped about two minutes after the call is accepted.
5. My family reports that they never get to speak to anyone in customer service when they have a problem. They always get an automated machine that asks them to leave information and the company will call them back. But when they call back it's very late, when everyone is sleeping.

Signed under the penalties of perjury this 3<sup>rd</sup> day of May, 2010.

  
Leonardo Alvarez-Savageau

### AFFIDAVIT

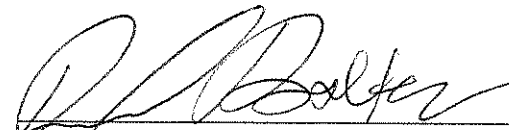
I, David Baxter, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I live at MCI-Concord operated by DOC (MCI-Concord). It is located at 965 Elm St., Concord, MA 01742. Prior to moving to MCI-Concord on December 24, 2009, I was housed at DOC's North Central Correctional Institute at Gardner, located at 500 Colony Road, Gardner, MA 01440 (NCCI-Gardner),

2. I have a debit calling account at MCI-Concord and had one at NCCI-Gardner as well. I requested that a debit calling account be set up at both institutions so that I could use debit calling to pay for telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to all DOC facilities. I regularly transfer money from my inmate account into the GTL account at MCI-Concord, and regularly transferred my funds into the GTL account at NCCI-Gardner as well.

3. One of the biggest problems with telephone service is that when we make calls, we cannot hear anything while we are waiting for the call to be answered, which can take up to four minutes. This proved to be a huge problem at NCCI-Gardner. Inmates couldn't hear the phone ring or if it was busy, so they were stuck waiting for a long time wondering what is going on. This caused guys, including myself, to call back the same party many times since we didn't know what was happening. I saw this cause fights to happen when others were waiting to use the phones. This is a huge problem that needs to be fixed at all DOC facilities.

Signed under the penalties of perjury this 6<sup>th</sup> day of MAY, 2010.

  
David Baxter (W83642)



## AFFIDAVIT

I, James P. Carver, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I reside at DOC's MCI-Shirley facility, located at PO Box 1218, Shirley, MA 01464.
2. I have a debit calling account at MCI-Shirley that allows me to place debit telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to MCI-Shirley and other DOC correctional institutions. I requested that the debit calling account be established, and transfer my personal funds into this account from time to time so that I can place debit calls. I sometimes call my family and friends using GTL's collect call service as well.
3. I make (or attempt to make) two calls to family and friends each day using either my debit calling account or the collect call service, or approximately fourteen calls in a week.
4. The quality of the telephone connection for calls I place is pretty bad. About 90% of the calls have some problem with the connection, including static, muffled words, and sometimes complete silence on one end. Sometimes without warning one party will be unable to hear the other party. A few times I have been on the phone with my daughter and suddenly she says "Daddy? Daddy? Are you there?" She couldn't hear me even though I could hear her. Also there have been times where I do not hear anything but the caller still hears me. Parties I call often have a hard time hearing me and ask me to speak up even though I'm already speaking loudly. I call my father three-to-five times each week, and regularly I have had to yell into the phone to be heard, so everyone in the area hears what I'm saying. There is no privacy.
5. I have been incarcerated at DOC facilities for over 20 years. The quality of telephone calls has been much worse since GTL took over telephone service from Verizon several years ago. After call routing shifted from Massachusetts to Texas when GTL took over the contract, there was a significant deterioration in the quality of call connections. When I was at MCI-Norfolk and Verizon had the contract, I was told that there were problems with phone connections when the non-ventilated telephone room would heat up.
6. I estimate that about 20% of the calls I place are prematurely dropped or cut off. Sometimes my call will be accepted by the dialed party, but the call will be dropped before the parties are able to speak to each another. My father, brother, girlfriend and I have all paid for dropped calls where there was no connection.
7. The quality of service varies on the same telephone set. Sometimes a phone will provide a good connection in the morning but will not provide a good one in the afternoon, and vice-versa. So it is impossible to know what telephone will provide a good connection until a call is actually placed.

8. I am currently housed in Unit C-2 at MCI-Shirley, and was housed there on February 16. On February 16, the C-2 Unit had eight phones for the 96 prisoners in the unit. At the time, two telephones worked well, and one telephone did not work at all. The others were hit or miss. Sound quality could be very poor, or okay. Some of these phones connected only intermittently. Using the wrong telephone can mean that I have to shout to be heard. Volume controls do not work on any of the telephones in this unit, in the yard, or any other unit where I have lived including the Orientation Unit. If you are hard of hearing you are out of luck.

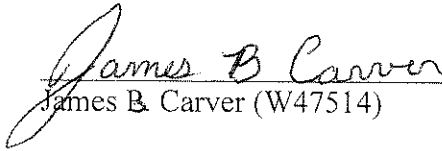
9. Since around the middle of April and continuing to at least April 26, there have been problems with the telephones in many of the units here at MCI-Shirley. It is taking up to twenty minutes to connect a call after dialing the number. The recording repeats "please hold; please hold; please hold" for a very long time, followed by silence. After sitting a few more minutes, another recording will come on that says "the called party does not answer." Sometimes instead of the recording there is a loud piercing noise and we have to hang up. This can be repeated several times before a call actually goes through. Meaning that I and other guys spend up to an hour trying to make one call. When the call finally does go through, the called party tells me they did not receive any attempted calls from me. On April 26, I tried to call Prisoners Legal Services and I had to dial the number 11 times before the call went through. I heard the recording "please hold" repeated, and then the high piercing sound on many of the attempted calls. It took 10-to-11 minutes to connect. This is all very frustrating.

10. GTL has never provided me with a record with details of charges for telephone calls that I paid from my debit account. The only notice I receive from GTL is a recorded announcement at the beginning of each call that tells me my account balance. The account from time to time seems to be reduced by more than the cost of a telephone call between consecutive calls but there is no way to check this out. I am also charged for prematurely dropped calls that I should not be charged for. But I have no way of knowing or checking what charges GTL is taking from my debit account.

11. When I place a call, about half of the time I hear only silence for the first three or so minutes of the call. This is frustrating and distressing because I do not know what is happening on the receiving end. In the past, on every call we could hear busy signals, prerecorded messages, whether anyone answered the call or not, etc.

12. During a phone call, a recording is repeated every four minutes that tells the parties that "this phone call is being monitored and recorded." While this recording is playing the parties cannot speak to each other. The recording is unnecessary and reduces the already short time of the phone call. While I was in the Orientation Unit in February, this recording was not played when I made telephone calls. But when I returned to Unit C-2, telephone calls again had the message repeated every four minutes. Also, there is a recorded warning at 60 seconds that "there are 60 seconds left in this call." Thirty-five seconds later, there is a recording that "there are 10 seconds left in this call." So in the last minute there are only forty-five seconds to actually speak. Having both of these recordings is unnecessary.

Signed under the penalties of perjury this 29 day of April, 2010.

  
James B. Carver (W47514)

## AFFIDAVIT

I, Samuel Conti, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I reside at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to NCCI and other DOC facilities. I requested that the debit calling account be established, and transfer personal funds into this account from time to time so that I can make debit calls. In addition to debit calling, from time to time I also call my family and friends using GTL's collect call service.

3. I initiate, or attempt to initiate, four-to-six calls to family and friends per day using either my debit calling account or the collect call service, or approximately thirty-to-forty calls per week. I estimate I am on the phone at least one hour per day.

4. I regularly encounter problems with the quality of telephone service. Bad connections are a constant problem, including static and the inability of one party to hear the other clearly. At least once a day, I get a recording that a line is "out-of-service."

5. Approximately one-in-five, or 20%, of the calls I place are prematurely cut off. Calls have been disconnected due to the incorrect detection of a third party call when someone speaks to me while I am on a call, and even on occasion when someone simply walks by and has loud footsteps. I regularly need to place a call three or more times before a good connection is made.

6. GTL has never provided me with any document that tells me the cost of calls I am paying for, what I have spent on calls, or other charges that have been deducted from my debit calling account with the company. I have no record of how the money in my debit account is spent or allocated or deducted.

7. Most of the phones here at NCCI are old and/or in need of repair. Volume controls on the telephones do not work at all. For about three weeks in January 2010, only one telephone in the Thompson-3 unit worked reliably of the nine in the unit which houses 159 men.<sup>1</sup> Three of the nine phones serving the unit did not work at all. Calls made on the other five telephones went through but there were bad connections on all of these phones and it was hard for parties to hear one another. Because of the high demand

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<sup>1</sup> There are two additional telephones in the Thompson dormitory, which is a separate part of the unit, where thirty of the 159 men in the unit live. Those two additional phones are accessible only to the men in the dormitory. During parts of January neither of those phones worked either. One of the phones in the dorm seems to be on the same line with one of the nine phones not in the dorm.

for telephones, men in the unit used these phones even though the connections were so poor. The broken and non-functioning equipment led to frustration among the guys in the unit because of the difficulty communicating with family, fiances, and friends. Because of the competition for good reliable phones, some prisoners used telephones outside of permitted hours and received disciplinary tickets.

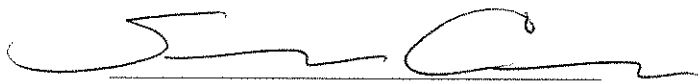
8. Telephones in the unit were supposed to be repaired in late January. But problems continued. Sometime soon after the repairs were supposedly finished, I tried calling my fiance. I had to try five times on different telephones in the unit before I got a working connection and could talk to her.

9. The units here at Gardner are really overcrowded, and the lack of reliable working phones creates tension in the population as over one hundred guys try to use nine phones, not all of which work well and one of which is completely dead as of today.

10. Starting in June or July last year, I heard nothing on the other end after I make a call, only silence. In the past we heard a busy signal, or the phone ringing, some indication of what was happening at the other end. Now I often have to wait for several minutes before I hear anything or know whether the call has gone through or not. I don't know if my elderly mother is on the phone and the line is busy, or is she is on the floor. We hear nothing, and have no idea what is happening on the other end. It feels like another form of punishment since it is abusive to have to wonder all night if something has happened to a family member or someone else who I tried to call.

11. A repeated recording is heard every three-to-four minutes on calls. The recording states "this phone call is being monitored and recorded." The parties cannot speak with each other when this recording is playing. The repeated recording is completely unnecessary and only reduces the short time of the phone call. Once should be enough.

Signed under the penalties of perjury this 2 day of MAY, 2010.

A handwritten signature in black ink, appearing to read 'Samuel Conti', with a stylized, flowing script.

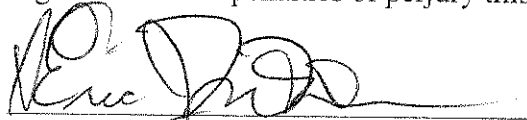
Samuel Conti (W84707)

**AFFIDAVIT**

I, Eric J. Mathison, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I live at the Old Colony Correctional Center in Bridgewater, MA (OCCC), a DOC correctional facility.
2. I have a debit calling account at OCCC that allows me to place debit telephone calls to family and friends. Global Tel\*Link (GTL) provides telephone service to DOC correctional institutions including OCCC. I requested that the debit calling account be established, and regularly transfer personal funds into this account so that I can place debit calls. I call my family and friends using GTL's collect call service as well.
3. I make about ten telephone calls each week.
4. I experience connection problems on almost every call I make. Sometimes, I can hear the people I call but they can't hear me. Other times, the sound is very choppy and it's hard to hear the other party.
5. Dropped or cut-off calls are also a regular problem here. About three-to-four calls a week result in premature cut-offs, almost always because a three-way call is supposedly detected. The phones at OCCC are notorious for such cut-offs, even when, as in my case, my parents don't have that ability or option.
6. DOC and GTL used to let us hear telephones ring, if the line is busy, when the call is accepted, etc. They no longer allow this. Now there is silence for up to four minutes until we are told if the call is accepted or not.

Signed under the penalties of perjury this 2<sup>nd</sup> day of May, 2010.

  
Eric J. Mathison

### AFFIDAVIT

I, Shirley Jay McGee, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). Since January 6, 2010, I have been housed at MCI-Concord, 965 Elm Street, Concord, MA 01742 (MCI-Concord). Prior to January 6, I was incarcerated at North Central Correctional Institute at Gardner, located at 500 Colony Road, Gardner, MA 01440 (NCCI).

2. I had a debit calling account when I lived at NCCI that I used to pay for telephone calls to my family. I currently have a debit calling account at MCI-Concord for the same purpose. Global Tel\*Link (GTL) provides telephone service to all DOC facilities. I requested that my debit calling accounts be set up at both NCCI and MCI-Concord. Both of these accounts were funded with my personal money. In addition to debit calling, I sometimes call my family and friends using GTL's collect call service.

3. In February and March of 2009, I made (or tried to make) about 250 to 300 calls to my family. Over 60 of these phone calls were cut off after a recording came on saying that a "3-way call has been detected" and that I will be investigated. In fact, no one I called ever tried to use a 3-way call or beat the phone system in any way. Yet GTL continued to regularly take money from me and my family that they were not entitled to. I contacted GTL on many occasions to try and get back the money back. GTL finally contacted me and said they would reimburse me. Then they told me they would not pay me back because I had been calling cell phones. But I never called any cell phones. Since they never reimbursed me as they had originally agreed to do, I took them to small claims court on November 23, 2009. My claim was successful and the judge awarded me over \$18.00, which represented the call connection fees I improperly incurred when I called a party back after being wrongly disconnected for non-existent three-way calling.

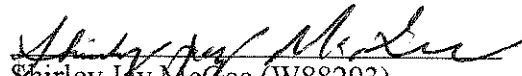
4. GTL telephone service is bad. I always seem to have to talk to my family through static or hard to hear lines or bad connections. This happens at least two-thirds of the time I call my family. I used to call a lot but because GTL has not reimbursed me for calls they should not have cut off, the poor quality of calls and expensive rates I have slowed down and do not make as many calls.

5. Until May 2009, I could hear the phone ringing or a busy signal when I called my family. Starting in mid- or late May whenever I called my family there was silence when I called for four or five minutes- I couldn't hear the phone ringing or a busy signal or anything. This was really frustrating since I don't know if or when they start charging me, and I don't know what's going on with my family.

6. Sometimes when other men are using the phones talking to their loved ones and I go to use an available phone, there is no dial tone and the phone does not work. This has happened even with a good phone that is normally working. The phone won't

work until all the others using the phone hang up. Sometimes the phone won't work until the next day.

Signed under the penalties of perjury this 6 day of May, 2010.

  
Shirley Jay McGee (W88293)



**AFFIDAVIT**

I, Stephen Metcalf, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC) and reside at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to NCCI. I requested that the debit calling account be established, and regularly transfer money from my inmate account into the GTL account so that I can make debit calls. I sometimes also use GTL's collect call service to pay for telephone calls.

3. I make up to four calls a week to family and friends using either my debit account or calling them collect.

4. I have problems with the quality of telephone service here 95% of the time. Bad connections are a constant problem, including humming or static on the line, echo effects or not being able to hear the person I called after the call is connected. At least one call a week is dropped or cut-off without warning before I have completed the call and before the institution's 20 minute time limit on inmate calls is up.

5. When placing a call, I never hear what is happening before the call is accepted. I don't hear whether the phone is ringing or busy on the other end, whether the recording is playing or anything. Sometimes a recording will come on after several minutes of silence that says "your call was not accepted." But upon redialing the same party immediately, the called party tells me that the telephone never even rang. This happens 50% to 75% of the time.

6. Many phones in the unit do not work properly, or do not work at all. I have made numerous complaints about service issues, but have never received a reply to any of them.

7. When I make a call using my debit account, the call usually goes through. But collect calls I dial always have trouble like not going through, not ringing on the other end, announcing "call not accepted," and other problems. It seems like GTL is trying to discourage collect calls with service issues.

Signed under the penalties of perjury this 26 day of April, 2010.

  
Stephen Metcalf (C57664)

**AFFIDAVIT**

I, Kenneth Moccio, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I reside at DOC's MCI-Shirley facility, located at PO Box 1218, Shirley, MA 01464. Prior to moving to MCI-Shirley in April, 2009, I was housed at DOC's North Central Correctional Institute at Gardner, located at 500 Colony Road, Gardner, MA 01440 (NCCI-Gardner),

2. I have a debit calling account at MCI-Shirley and had one at NCCI-Gardner as well. I requested that a debit calling account be set up at both institutions so that I could use debit calling to pay for telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to all DOC facilities. I regularly transfer money from my inmate account into the GTL account at MCI-Shirley, and regularly transferred my funds into the GTL account at NCCI-Gardner as well.

3. I make about ten calls a week. Out of the ten calls I make each week, about half have bad connections, with static or not being able to hear the other party clearly.

4. One other problem I have is when we make a call, we can't hear if the call is going through or not. It is a lot of wasted time.

5. The problems with phone service described in paragraphs 3 and 4 were problems at NCCI-Gardner and continue to be problems at MCI-Shirley.

Signed under the penalties of perjury this 1 day of MAY, 2010.

Kenneth Moccio W86539  
Kenneth Moccio (W86539)

MAY 03 2010

FROM KEN MOCCIO (W86539)

I AM NOW AT  
MCI SHIRLEY, PO BOX 1218,  
SHIRLEY MA. 01464.

I HOPE THIS ISN'T A PROBLEM  
BECAUSE THE THINGS HERE ARE  
EVEN WORSE

THANK YOU  
*Ken Moccio*

**AFFIDAVIT**

I, William Nadworny, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC), and reside at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to NCCI and other DOC facilities. I requested that the debit calling account be established, and regularly transfer personal funds into this account so that I can make debit calls.

3. I make approximately 25 calls to family and friends per week using my debit calling account.

4. The quality of GTL's telephone service is poor. During approximately half of the calls I place each week, I have difficulty hearing the individual on the other end of the line, or they have difficulty hearing me. There are very few calls with clear connections on both ends.

5. Of the approximately 25 calls I make each week, two-to-three calls are cut off prematurely with no announcement, and I have to call the individual back, meaning that I have to pay an additional connection fee. An additional two calls are cut off after a recording announces that "a 3-way call has been detected" or "call waiting not allowed." Again I have to redial the number and pay another connection fee.

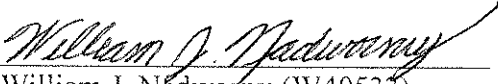
6. GTL has never provided me with any document that tells me the cost of calls I am paying for, what I have spent on calls, or other charges that have been deducted from my debit calling account with the company. I have no record of how the money in my debit account is spent or allocated or deducted.

7. I have never received any records of the telephone calls I make using the debit calling account and the charges GTL deducts from my account for the calls. I have no idea if their billing is accurate or not.

8. The telephone equipment at NCCI is also poor, with many broken or damaged phones that need to be repaired or replaced. The volume controls on every phone do not work.

9. One other problem that GTL and DOC need to address: on every call I make, I cannot hear the telephone ringing on the other end, or hear a recording or busy signal, or know what is happening. The wait can be over four minutes until there is an actual connection with the party on the other end.

Signed under the penalties of perjury this 1<sup>ST</sup> day of MAY, 2010.

  
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William J. Nadworny (W40533)

**AFFIDAVIT**

I, Marcos U. Ramos, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC). I reside in the H unit at DOC's North Central Correctional Institute at Gardner (NCCI Gardner), located at 500 Colony Road, Gardner, MA 01440.
2. I use a debit calling account at NCCI Gardner to pay for telephone calls to my family. Global Tel\*Link (GTL) provides telephone service to DOC facilities including NCCI Gardner. I requested that this calling account be established, and transfer personal funds into this account regularly so that I can make debit calls. In addition to debit calling, from time to time I also call my family using GTL's collect call service.
3. I am a frequent telephone user. I make, or attempt to make, two-to-four telephone calls per day, sometimes more. To pay for calls I use either my debit calling account or I call collect. I estimate I make 14-to 24 calls every week.
4. I encounter bad connections almost on a daily basis. Words are chopped up and not able to be understood because of poor sound quality, and the parties are not able to understand one another. Other times the called person simply cannot hear me.
5. Three-to-five of the 14-to-24 telephone calls I make weekly are dropped or cut off prematurely, before the institutional time limit is reached. The cut-off calls have all been preceded with a recorded message that the call would be terminated due to the detection of an attempt to make a third party call. I have never been party to a three-way phone call from this institution. Moreover, the family members I call do not have the capability to make third party calls.
6. I received records of phone calls I made from NCCI Gardner, including charges, on two occasions. First, I received from GTL some records of calls I made and GTL's charges for those calls but only after I filed a formal complaint with the Federal Communications Commission. GTL's response came after more than ten months of requests and complaints from me about inaccurate and wrongful charges assessed by GTL including charges for incorrect detection of third party calls. Second, I received additional records from DOC's Peter Macchi, Director of Administrative Services, after informing him of complaints I had about GTL telephone service and wrongful charges. Other than these documents, I have not received calling records detailing charges that are deducted from my debit account by GTL for calls I made and other charges they may assess against me.
7. Virtually all of the phones here at NCCI Gardner are old or need repair. Volume controls do not work on any telephones. I often have to place a call three, four or more times before a good connection is made.



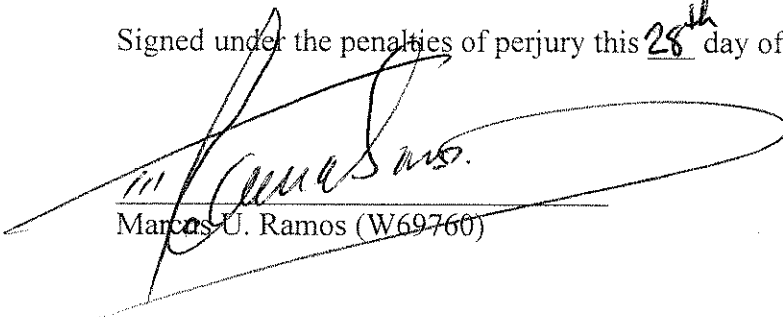
8. Another problem is that the quality of a telephone can vary from day to day. A telephone that is reliable and providing good service today will not necessarily provide good service on another day. There is no way to know in advance if a particular unit will work well even if it has worked well in the recent past.

9. Telephones in the H unit were supposed to be repaired in late January. But problems with the phones and quality of calls continue, even after the supposed repairs. All of the telephones in the H unit continue to be unreliable and sound quality remains generally poor, unchanged from before.

10. Customer service is non-existent. After contacting GTL customer service on numerous occasions and not receiving a satisfactory reply, I filed a complaint with the FCC. GTL did provide me with some records but still has not answered my inquiries substantively or reimbursed me for funds they overcharged me.

12. A repetitive and unnecessary recording that informs the parties that "this phone call is being monitored and recorded" is heard every three-to-four minutes on telephone calls. The recording is needed only once, at the beginning of calls. Because parties cannot speak when the recording is being played, it only serves to further reduce the short time of the phone call, and drive up the actual per minute cost of speaking time.

Signed under the penalties of perjury this 28<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Marcos U. Ramos (W69760)

## AFFIDAVIT

I, Gerardo Rosario, do hereby affirm that:

1. I am incarcerated at the North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440. NCCI is run by the Massachusetts Department of Correction (DOC) .
2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family. Telephone service here is provided by Global Tel\*Link (GTL). I asked that the debit calling account be set up, and transfer my personal money into this account so that I can make debit calls. In addition to debit calling, from time to time I also call my family and friends collect.
3. I now make three-to-four calls each week to family and friends per day using my debit calling account or calling collect. I used to make calls every day or six-to-nine calls per week, but the service is so bad that I call much less now.
4. The quality of telephone calls is terrible. I have problems hearing the person I called, or they have a problem hearing me. Inmate calls sometimes have crossed lines, so that either party can hear entire conversations on the other line, including attorney calls.
5. Another serious problem is calls that are cut off before the time limit is reached. What happens is that for no apparent reason a recording comes on that says "a third party call has been detected. Your call will be directed to the system administrator for further action." This happens even though no one tried to make a 3-way call. It forces me and other inmates to call again and be charged another connection fee. I estimate that this happened about 50% of the time when I was making calls every day, or three-to-five calls per week. This is a major reason I cut back making calls.
6. GTL does not provide me or any inmate with a telephone call record that shows what they are charging for calls. This is a real problem too since we can't tell if they have made a mistake billing us.
7. The telephones here at NCCI are almost all old and broken and need repair. The volume controls do not work on any phone I have used. For three weeks in January 2010, only one telephone in the Thompson-3 unit worked reliably out of the nine in the unit which houses 159 men. (Two additional phones in the dormitory can be used by the thirty guys who live there, but not by the other 129 men in the unit. At one point during this period both of those phones were broken and not working.) Three of the nine phones in the unit did not work at all. Of the other five, calls would go through but there were bad connections on all of them with static and people were hard to hear. Even though the connections were really bad, inmates in the unit used these phones that didn't work well because so many guys wanted to make calls. There was a lot of frustration in the unit because of all the broken and damaged phones. Some prisoners used telephones outside of official hours and were written up for it.

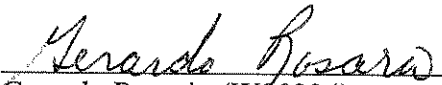


8. We were told that repairs to the telephones began in late January. But there were still problems after the repairs were supposedly made. Some phones were fixed, but others were still unreliable and didn't work well.

9. Another problem is that the quality of a telephone can vary from day to day. So a telephone that is reliable and providing good service today will not necessarily provide good service on another day. There is no way to know in advance if a particular unit will work well even if it has worked well in the last couple of days.

10. Right after I make a call, there is a long silence (three-to-five minutes) when you hear nothing on the other end. In the past you could hear what was happening on the other end, ringing or a busy signal. Now there is silence. This was implemented in early June 2009 for no apparent reason and without warning.

Signed under the penalties of perjury this 6<sup>th</sup> day of May, 2010.

  
Gerardo Rosario (W80224)

**AFFIDAVIT**

I, Edward Sarmanian, do hereby affirm that:

1. I am incarcerated by the Massachusetts Department of Correction (DOC) and live at DOC's North Central Correctional Institute at Gardner (NCCI), located at 500 Colony Road, Gardner, MA 01440.

2. I have a debit calling account at NCCI that I use to pay for telephone calls to my family and friends. Global Tel\*Link (GTL) provides telephone service to NCCI. I requested that a debit calling account be set up for me so I could make debit calls. I regularly transfer money from my inmate account into the GTL account.

3. I make at least four calls a week to family and friends. I call my father once or twice each week.

4. I have problems with telephone service here most of the time. It's almost always hard to hear the people I call and very hard for them to hear me, and there is almost always static. Every second or third call I make to my father is cut off because three-way calling is supposedly detected. The recorded alert comes on, and then the call is cut-off. But my father, who is 82-years-old, doesn't have three-way calling.

5. When I make a call, I never hear the phone ringing, or a busy signal, while I'm waiting for the called party to answer. There's silence for a long time and then all of a sudden I'm connected.

Signed under the penalties of perjury this 28 day of APRIL, 2010.

  
Edward Sarmanian (W45480)

**AFFIDAVIT**

I, Beverly Chorbajian, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is 390 Main St., Suite 659, Worcester, MA 01608.
2. I represent and receive telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. I requested and utilize collect and/or direct bill telephone service with Global Tel\*Link (GTL) and Evercom Systems, Inc. (Evercom) (or affiliates) so that I can communicate with my incarcerated clients by telephone. I am the customer of record on accounts with GTL and Evercom and am responsible for paying for the telephone services they render to me .
3. My office receives between 25 and 35 telephone calls per week from clients in Massachusetts correctional institutions. Approximately one-third of the calls are from county institutions serviced by Evercom and two-thirds are from clients in state institutions serviced by GTL.
4. I conservatively estimate that half the calls we receive from correctional institutions have poor reception and that one out of five calls are dropped prematurely. The calls dropped by Evercom every month are almost all preceded by a recorded message that the system detected an attempt to add a third party. Neither I nor anyone in my office has ever attempted to add a third party or forward a call from an incarcerated client.

Signed under the penalties of perjury this 4 day of May, 2010.


  
Beverly Chorbajian

**AFFIDAVIT**

I, James R. Logar, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is 1245 Hancock St., Quincy, MA 02169.
2. I represent and receive telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. I requested and utilize collect and/or direct bill telephone service with Global Tel\*Link (GTL), Evercom Systems, Inc. (Evercom), and Digital Solutions/Inmate Telephone, Inc. (DSI) (or affiliates) so that I can communicate with my incarcerated clients by telephone. I am the customer of record on accounts with GTL, Evercom, and DSI and am responsible for paying for the telephone services they render to me.
3. My experience with Evercom's customer service has been mixed. Initially they were very difficult to reach and it was very difficult to inaugurate service with them so that I could speak with my clients. When I finally reached the person in charge of setting up accounts for defendants' lawyers, customer service was much better. I was given a dedicated phone number I could use for service or billing questions, with a live person responding to my inquiries.

Signed under the penalties of perjury this 30 day of APRIL, 2010.

  
James R. Logar

**AFFIDAVIT**

I, Peter T. Sargent, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. My mailing address is P.O. Box 425, Gardner, MA 01440.
2. I represent and receive telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. I requested and utilize collect and/or direct bill telephone service with Global Tel\*Link (GTL) and Evercom Systems, Inc. (Evercom) (or affiliates) so that I can communicate with my incarcerated clients by telephone. I am the customer of record on accounts with GTL and Evercom and am responsible for paying for the telephone services they render to me.
3. I have two ongoing problems with prisoner telephone calls. First, every other month or so I get a call from a county institution answered by my assistant and put on hold that is terminated when I pick up the receiver. The system appears to perceive this as a third-party call. Second, clients at county institutions have told me that they cannot get through to me with collect calls in months when I have run over some preset spending limit. I am given no warning of the cut-off before it happens, and am not offered an opportunity to pay off any balance to make it possible to receive more calls.

Signed under the penalties of perjury this 29<sup>th</sup> day of April, 2010.


  
Peter T. Sargent

**AFFIDAVIT**

I, Debra Beard-Bader, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. I am the attorney in charge of the Alternative Commitment Unit of the Committee for Public Counsel Services (CPCS). Our mailing address is 144 Main St., 4<sup>th</sup> floor, Brockton, MA 02301.
2. This office represents and receives telephone calls from clients who are incarcerated in state correctional facilities in the Commonwealth. Approximately 95% of the calls come from the Massachusetts Treatment Center operated by the Massachusetts Department of Correction. Global Tel\*Link provides telephone service that allows us to receive telephone calls from clients incarcerated at the Treatment Center. CPCS is the customer of record for GTL telephone call charges.
3. On average this office receives 300 calls per month. Approximately 15-20% of the calls have too much static to hear the other party. Also, there are occasions when there is feedback or an echo, when what the speaker says is echoed back after a very slight delay. This also interferes with conversations. In addition, about 10% of the calls we receive are cut off when we press "0" to answer the call.

Signed under the penalties of perjury this 21 day of April, 2010.

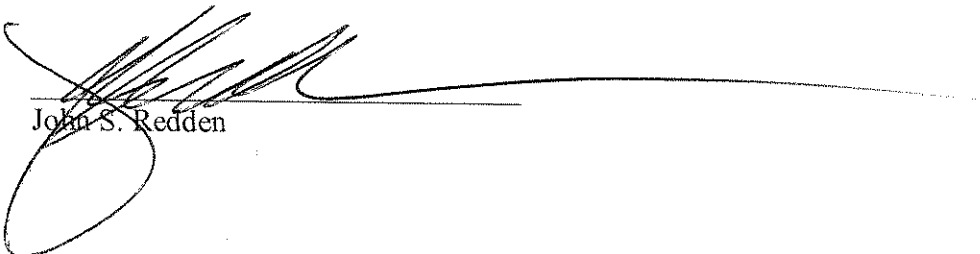
  
\_\_\_\_\_  
Debra Beard-Bader

**AFFIDAVIT**

I, John S. Redden, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. I am the attorney in charge of the Brockton Superior Trial Unit of the Committee for Public Counsel Services. Our mailing address is 144 Main St., 4<sup>th</sup> floor, Brockton, MA 02301.
2. This office represents and receives telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. The office utilizes collect call telephone services provided by Global Tel\*Link (GTL) and Evercom Systems, Inc. (Evercom) (or affiliates) that allow our incarcerated clients to call us. CPCS is the customer of record on the GTL and Evercom telephone accounts.
3. This office receives approximately 450 telephone calls from incarcerated individuals each month. Approximately 10% of those calls come from individuals in DOC facilities, and approximately 90% come from individuals in county facilities. We estimate that one call per week from state facilities have bad connections and are hard to hear, and approximately three calls per week from county facilities have the same problem.

Signed under the penalties of perjury this 5<sup>th</sup> day of May, 2010.


  
\_\_\_\_\_  
John S. Redden

**AFFIDAVIT**

I, Patricia C. Voorhies, do hereby affirm that:

1. I am the Managing Director of Clinical and Experiential Education at Northeastern University School of Law. Our mailing address is 360 Huntington Ave., Boston, MA 02115.
2. The Prisoners' Rights Clinic (the Clinic) represents and receives telephone calls from clients who are incarcerated in state correctional facilities in the Commonwealth operated by the Massachusetts Department of Correction. The Clinic utilizes collect call telephone services provided by Global Tel\*Link (GTL) that allow our incarcerated clients to call the Clinic. Northeastern University is the customer of record on the GTL telephone account. Calls are broken out by "budget centers," including the Clinic. The Clinic is responsible for payment of the calls billed to it including prisoner-initiated calls.
3. This office receives approximately 40-50 telephone calls from incarcerated individuals each week. On the main telephone line, which receives 30-40 calls per week, it is frequently very difficult to hear what the prisoner is saying unless he or she shouts. On the second line to the clinic administrator, with about 10 calls per week, about one-in-ten calls have other voices on the line, static or echoes.

Signed under the penalties of perjury this 3<sup>rd</sup> day of May, 2010.

  
Patricia C. Voorhies



**AFFIDAVIT**

I, Patricia Garin, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. I am a partner in the law firm Stern Shapiro Weisberg & Garin, LLP. Our mailing address is 90 Canal St., Boston, MA 02114.
2. The firm represents and receives telephone calls from clients who are incarcerated in state and county correctional facilities in the Commonwealth. We requested and utilize collect and/or direct bill telephone service with Global Tel\*Link (GTL) and Evercom Systems, Inc. (Evercom) (or affiliates) so that we can communicate with our incarcerated clients by telephone. Stern Shapiro Weisberg & Garin LLP is the customer of record on accounts with GTL and Evercom. The firm is responsible for paying for the telephone services rendered by these providers to us.
3. Our office receives between approximately 40 and more than 75 telephone calls per month from clients in Massachusetts correctional institutions. The number of calls depends on the number of incarcerated clients and the status of legal proceedings, among other factors. We receive from 30 to more than 60 calls per month from state correctional institutions serviced by GTL. We receive from 10 to 15 calls per month from county correctional facilities serviced by Evercom.
4. The sound quality of telephone calls received from incarcerated clients varies. For calls received in the office from clients in state correctional institutions, I estimate that one in every six or seven calls had a connection or reception problem. But connection problems with calls from incarcerated clients that I received at home on my personal cellular phone were markedly worse: at least one call in three received at home had a terrible connection and was hard to hear versus one in six or seven problem calls in the office.
5. With respect to dropped or cut-off calls, I had a similar experience: calls at home on my personal cellular phone from incarcerated clients in state correctional institutions were much more likely to be dropped or cut-off prematurely than calls received at the office. Very few calls are dropped or prematurely cut off in the office. But calls received on my personal phone at home were frequently dropped, generally preceded by a message that an attempt to make a three-way call was detected. I never attempted to add a third party to such a call nor did I ever attempt to forward such a call to a third party.

Signed under the penalties of perjury this 30<sup>th</sup> day of April, 2010.



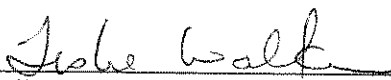
Patricia Garin

**AFFIDAVIT**

I, Leslie Walker, Esq., do hereby affirm that:

1. I am a lawyer duly licensed to practice law in the Commonwealth of Massachusetts. I am the Executive Director of Massachusetts Correctional Legal Services doing business as Prisoners' Legal Services (MCLS). My mailing address is 8 Winter St., 11<sup>th</sup> floor, Boston, MA 02108.
2. MCLS represents and receives telephone calls from clients who are incarcerated in state and county correctional facilities throughout the Commonwealth. MCLS requested and utilizes collect and/or direct bill telephone services with Global Tel\*Link (GTL), Evercom Systems, Inc. (Evercom), and Digital Solutions/Inmate Telephone, Inc. (DSI) (or affiliates). These telephone services permit our staff to communicate with our incarcerated clients. MCLS is the customer of record on accounts with GTL, Evercom and DSI and is responsible for paying for the telephone services the companies render to MCLS.
3. MCLS receives between 1200 and 1600 calls from Massachusetts Department of Correction (DOC) facilities each month. Staff estimates that prisoners are difficult to hear on between 5 and 10% of the calls. On occasion there have been more serious connection problems with calls from an entire institution that have lasted for weeks or months. For example, in late 2008 and early 2009, all calls from the Massachusetts Treatment Center had a recurring, persistent echo that made it difficult for the parties to hear one another. The problem took several months to fix, and the office still receives calls from the Treatment Center that are difficult to hear because of static or faint or garbled voices.
4. MCLS receives between 90 and 120 calls per month from county correctional facilities serviced by Evercom. MCLS staff estimates that approximately 5% of county telephone calls have connection problems where clients are difficult to hear and understand.

Signed under the penalties of perjury this 4th day of May, 2010.

  
\_\_\_\_\_  
Leslie Walker

**AFFIDAVIT**

I, Peter C. Puopolo, Jr., do hereby affirm that:

1. I reside in Massachusetts at 401 Ferry St., Everett, MA 02149.
2. My brother is incarcerated at MCI-Shirley in Shirley, MA (MCI-Shirley), a correctional institution operated by the Massachusetts Department of Correction (DOC). Global Tel\*Link (GTL) provides my brother and me with telephone service that allows us to speak to one another.
3. I receive 14 calls per week from my brother. Six-to-eight of the calls are dropped or cut off prematurely without warning. Also, at least three-to-four of the calls have poor connections when he calls me. There clicking noises, static, and he is very hard to hear.
4. GTL's service representatives are rude when I call them. They no longer allow me to accept calls and pay for them through Verizon. They tell me the phones are theirs and they can do what they want to the rates and who can pay for them. They make their own rules.

Signed under the penalties of perjury this 1st day of May, 2010.

Peter C. Puopolo Jr.  
Peter C. Puopolo, Jr.

# information

## Questions?

The AdvancePay Service Department is ready to answer all billing related questions:

Toll Free Number:  
1-866-230-7761

Fax Number:  
251-473-2802

Hours of operation:  
Monday-Friday  
7:00 am to 9:00 pm  
Saturday  
8:00 am to 5:00 pm  
Central Standard Time

Mailing Address:  
AdvancePay Service Dept.  
Department 1722  
Denver, Colorado 80291-1722

Website:  
[www.GTL.net](http://www.GTL.net)

To establish an AdvancePay account, a payment of either \$25.00 or \$50.00 must be made via credit card.

After the account is established, additional payments may be made by money order, check, credit card, or Western Union and Money Gram Wire transfers.

The system is completely automated. Account setup and additional transactions can be completed via an automated operator.

Customers may also contact the AdvancePay service department to make a prepayment.

# how to avoid disconnection!

Helpful tips to avoid calls from inmates from being disconnected:

- 1  
DON'T attempt a 3-way call
- 2  
DON'T try to transfer the call
- 3  
DON'T put the inmate on hold
- 4  
DON'T use or answer "call waiting"
- 5  
DON'T use a cell phone
- 6  
DON'T use cordless phones
- 7  
DON'T press numbers on the touch tone pad during the call (inmate phone or called phone)
- 8  
DON'T stop the conversation for any length of time, even short pauses may result in disconnect

Once a number has been blocked, only the person the number is listed to may unblock the number by calling:

1-866-230-7761

**GTL**

Notice: All AdvancePay payments are subject to applicable taxes and fees. Specifications are subject to change without notice. This publication may be copied and distributed to inmates, family members, and friends

answer all billing related questions.

y, 7:00 am to 9:00 pm, Saturday 8:00 am to 5:00 pm CST

# ADVANCEPAY

## information

## how to avoid disconnection!

### GTL INMATE FAMILY PREPAY

#### A Service for Family and Friends

Family members and friends of inmates are given the option of setting up prepaid calling accounts using credit cards, checks, money orders or Western Union. Calls that may otherwise be blocked are now completed through GTL's AdvancePay program.

#### How Does It Work?

AdvancePay allows inmates to call your telephone number without the restrictions of standard billing. When an inmate attempts to dial an un-billable number, the inmate is placed on hold and AdvancePay will provide the option to the called party to set up a prepaid account. After the prepaid account is established, collect calls to the telephone number may be placed up to the prepaid amount in the account. After the amount of money is used, the system will prompt the user to add funds to their AdvancePay account.

#### Benefits:

Customers can rest assured that collect call charges will not reach an excessive amount.

When funds on a prepaid account are low, an automated system will contact customers with the option to add more money to their AdvancePay account.

All transactions occur in real time. When an inmate places a call to a number set up as prepaid, funds are deducted from the AdvancePay account as soon as the call is complete.

The AdvancePay Service Department is ready to answer all billing related questions.

Toll free: 1-866-230-7761 Hours of operation: Monday - Friday, 7am to 11pm, Saturday and Sunday, 8am to 7pm CST

Website: [www.GTL.net](http://www.GTL.net)

### Questions?

The AdvancePay Service Department is ready to answer all billing related questions:

Toll Free Number:  
1-866-230-7761

Fax Number:  
251-473-2802

#### Hours of Operation:

Monday - Friday  
7am to 11pm, CST  
Saturday and Sunday  
8am to 7pm, CST

#### Mailing Address:

AdvancePay Service Dept.  
Department 1722  
Denver, Colorado 80291-1722

#### Website:

[www.GTL.net](http://www.GTL.net)

The easiest way to establish an AdvancePay account is through GTL's automated phone system with either \$25.00 or \$50.00 made via credit card. Or customers can go to [www.gtl.net](http://www.gtl.net) and click on the web payment link.

In addition to our automated phone system and website, accounts can be established and payments can be made through our AdvancePay customer service department, Western Union and by mailing checks or money orders.

The system is completely automated and can be accessed by calling 1-800-483-8314.

Helpful tips to avoid calls from inmates from being disconnected:

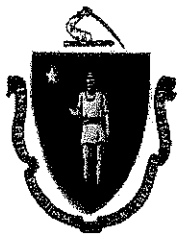
- 1 DON'T attempt a 3-way call
- 2 DON'T try to transfer the call
- 3 DON'T put the inmate on hold
- 4 DON'T use or answer "call waiting"
- 5 DON'T press numbers on the touch tone pad during the call (inmate phone or called phone)
- 6 DON'T stop the conversation for any length of time, even short pauses may result in disconnect

Once a number has been blocked, only the person the number is listed to may unblock the number by calling:

1-866-230-7761

# GTL

Notice: All AdvancePay payments are subject to applicable taxes and fees. Specifications are subject change without notice. This publication may be copied and distributed to inmates, family members, and friends.



**Deval L. Patrick**  
Governor

**Timothy P. Murray**  
Lieutenant Governor

**Mary Elizabeth Heffernan**  
*Secretary*  
February 23, 2010

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety & Security*  
*Department of Correction*  
*North Central Correctional Institution*  
*500 Colony Road, P.O. Box 466*  
*Gardner, MA 01440*

(978) 630-6000, Fax (978) 630-6040

Lauren Petit  
Massachusetts Correctional Legal Services  
8 Winter Street, 11<sup>th</sup> Floor  
Boston, MA 02108

Dear Ms. Petit:

I have reviewed your concerns outlined in your email. Please see my response to each of your concerns in red.

Phones seem to remain a big problem despite the work GTL has done there. We have reports from lots of people that a good portion of phones still don't work and that those that do work have malfunctions like frequent "special features" hang-ups when no features were used or repeated experiences with getting the recording saying there was no answer on the other end but then calling from another phone and getting through with the person at the receiving end saying the phone didn't ring earlier. In I building it's reported that two working phones are shared by all the men in the building and I West has day time hours for calling, I East has nighttime hours. If you try to use the phones off the hours for your dorm, you are warned or given a ticket. Those in I West who have working family or loved ones are out of luck for contacting them during the week. People have raised that all the institution's phones have been out for a couple days at a time sporadically, but that seems to coincide with the repair issues you discussed in our meeting. Because phone access is so critical to prisoners' ability to remain connected to their family and outside community, it seems that there may need to be a more systematic way of determining the functioning of phones in the prison and reporting to GTL when they need to get someone out to repair them. Is there a current system beyond prisoners telling someone at happy hour or grieving?

We were having significant issues with the phones for approximately 2-3 weeks. This was a GTL issue and the vendor was on site nearly every day working to resolve the issues. The issues have since been resolved. GTL installed new software to the system and then replaced/repared hardware to phones that were not working. Phone issues are reported by staff via incident report and then IPS contacts GTL to come in make the necessary repairs. If inmates are having individual issues with their pin number, calls getting through, etc. they can fill out a problem sheet which gets forwarded to the system administrator who is responsible for making the necessary repairs.



Exhibit C

**Harold W. Clarke**  
Commissioner

**James R. Bender**

**Ronald T. Duval**

**Veronica M. Madden**

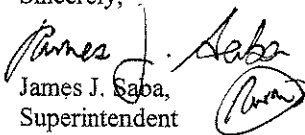
*Deputy Commissioners*

**James J. Saba**

*Superintendent*

I trust this addresses your concerns. Please feel free to contact my office if you should any further questions and/or concerns.

Sincerely,

  
James J. Saba,  
Superintendent

JJS/bcm

cc: File

Issued 1/24/2001



# COMMONWEALTH OF MASSACHUSETTS STANDARD CONTRACT FORM AND INSTRUCTIONS

This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. This shall not prohibit the addition of non-conflicting Contract terms. By executing this Contract, the Contractor under the pains and penalties of perjury, makes all certifications required by law and certifies that it shall comply with the following requirements: that the Contractor is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards, including obtaining requisite licenses, permits and resources for performance; that the Contractor and its subcontractors are not currently debarred; that the Contractor is responsible for reviewing the Standard Contract Form Instructions available at [www.comn-pass.com/comn-pass/forms.asp](http://www.comn-pass.com/comn-pass/forms.asp); that the terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties; and that the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached to this Contract or incorporated by reference herein, including the following requirements: all relevant Massachusetts state and federal laws, regulations, Executive Orders, treaties, requirements for access to Contractor records, the terms of the applicable Commonwealth Terms and Conditions, the terms of this Standard Contract Form and Instructions including the Contractor Certifications and Legal References, the Request for Response (RFR) or solicitation (if applicable), the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated provisions.

[THE CONTRACTOR MUST COMPLETE ONLY THOSE SECTIONS PRECEDED BY AN "→".]

→ VENDOR CODE:	MMARS DOCUMENT ID: CONTRACT ID:
→ CONTRACTOR NAME: GLOBAL TEL*LINK CORPORATION	DEPARTMENT NAME: Department of Correction
→ CONTRACT MANAGER: TERESA RIDGEWAY	CONTRACT MANAGER: PETER V. MACCHI, DIRECTOR, ADMIN SERVICES
→ PHONE: 800-489-4500, EXT 2211 → FAX: 251-375-8041 → E-MAIL ADDRESS: TERESA.RIDGEWAY@GTL.NET	PHONE: 508-422-3333 FAX: 508-422-3382 E-MAIL ADDRESS: PETER@DOC.STATE.MA.US
→ BUSINESS MAILING ADDRESS: 2609 CAMERON STREET, MOBILE, AL 36607	BUSINESS MAILING ADDRESS: 50 MAPLE STREET - SUITE 3 MILFORD, MA. 01757
THE FOLLOWING COMMONWEALTH TERMS AND CONDITIONS FOR THIS CONTRACT HAS BEEN EXECUTED AND FILED WITH CTR: (Check only one) <input checked="" type="checkbox"/> COMMONWEALTH TERMS AND CONDITIONS <input type="checkbox"/> COMMONWEALTH TERMS AND CONDITIONS FOR HUMAN AND SOCIAL SERVICES	
COMPENSATION: (Check one option only) <input checked="" type="checkbox"/> Maximum Obligation of this Contract: \$ _____ <input type="checkbox"/> No Maximum Obligation has been set for this Contract: (Check one) Rate Contract with a Rate of: \$ _____ Per: _____ <input checked="" type="checkbox"/> Rate Contract with Multiple/Negotiated Rates: (Attach listing of multiple rates or description of negotiation process)	PAYMENT TYPE: (Check one option only) <input checked="" type="checkbox"/> Payment Voucher (PV) <input type="checkbox"/> Ready Payment (RP) (Schedule: _____ Initial Base Amt: \$ _____) <input type="checkbox"/> Contractor Payroll (CP) (Required for Contract Employees) <input type="checkbox"/> Recurring Payment (Required for Leases and TELPs)
→ PAYMENT METHOD: The Contractor agrees to be paid by Electronic Funds Transfer (EFT is the Commonwealth's Preferred Payment Method): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE: (Reference to attachments without a narrative description of performance is insufficient.) Secure inmate calling system and related services NOTE: three options to renew, up to one year each option	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Single Department Procurement/Single Department User Contract; <input checked="" type="checkbox"/> Single Department Procurement/Multiple Department User Contract; <input type="checkbox"/> Multiple Department Procurement/Limited Department User Contract; <input type="checkbox"/> Statewide Contract (Only for use by OSD or an OSD-designated Department); <input type="checkbox"/> Grant (as defined by 815 CMR 2.00); <input type="checkbox"/> Emergency Contract (attach justification); <input type="checkbox"/> Interim Contract (attach justification); <input type="checkbox"/> Contract Employee; <input type="checkbox"/> Collective Purchase (attach OSD approval) <input type="checkbox"/> Legislative/Legal Exemption (attach proof); <input type="checkbox"/> Other (Specify): _____	
RFR REFERENCE NUMBER: (or "N/A" if not applicable) RFR# 1000-PHONE2006	
ANTICIPATED CONTRACT EFFECTIVE START DATE: Performance shall begin on <u>March 3, 2006</u> , which shall be no earlier than the latest date this Contract is signed by authorized signatories of the Department and Contractor and approved under Section 1 of the applicable Commonwealth Terms and Conditions.	
TERMINATION DATE OF THIS CONTRACT: This Contract shall terminate on <u>March 2, 2010</u> unless terminated or amended by mutual written agreement by the parties prior to this date under Section 4 of the applicable Commonwealth Terms and Conditions.	
→ AUTHORIZING SIGNATURE FOR THE CONTRACTOR: → X: <u>[Signature]</u> (Signature of Contractor's Authorized Signatory) → DATE: <u>Feb 6, 2006</u> (Date must be handwritten at time of signature) → NAME: <u>TERESA RIDGEWAY</u> → TITLE: <u>VICE PRESIDENT OF LEGAL &amp; ADMINISTRATION</u>	AUTHORIZING SIGNATURE FOR THE DEPARTMENT: X: <u>[Signature]</u> (Signature of Department's Authorized Signatory) DATE: <u>2-10-06</u> (Date must be handwritten at time of signature) NAME: <u>KATHLEEN M. DENNEHY</u> TITLE: <u>COMMISSIONER</u>

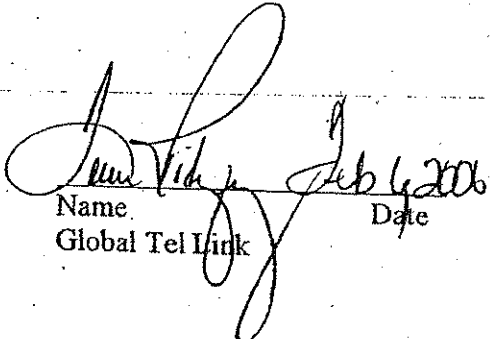


**Addendum #1 to the Contract, January 30, 2006**

**Between**

**Massachusetts Department of Correction  
and  
Global Tel Link**

**Section 1:** This contract will consist of the Request for Response (RFR), DOC File No. 1000-Phone2006, dated July 11, 2005, Responses to Bidder Inquiries and RFR Amendments, dated August 26, 2005, Global Tel Link (GTL) Response to the RFR (in its entirety), dated September 14, 2005, including all attachments, GTL Pricing-Rates & Commissions, dated September 14, 2005, GTL Response to Clarification Letter, dated November 2, 2005 and this addendum (Addendum #1), dated January 30, 2006.

  
Name  
Global Tel Link

Date

  
Name  
Dept. of Correction

2-10-06  
Date



**The Commonwealth of  
Massachusetts**

**Department of  
Correction**

**Request for Responses  
for an**

**Secure Inmate Calling System  
& Related Services**

**DOC File No. 1000-Phone2006**

**July 11, 2005**

- a commission based on a percent factor of all revenue received from calls placed via the Secure Inmate Calling System operating in pre-paid debit based mode;

All commission percentages must be stated in the Cost Tables (Attachment D). Payments to the DOC and the Commonwealth of Massachusetts must be paid monthly.

There shall be no cost to the DOC for the installation or maintenance of the ICS at each DOC facility. The Bidder is responsible for replacement of the ICS in its entirety or its individual components regardless of cause including, but not limited to, normal wear/use, inmate abuse, natural disaster, or inmate unrest. This system or component replacement will be performed at no cost to the DOC and will occur immediately upon notification to the Contractor of the system problem by the DOC facility.

The current contract with Verizon will expire in March, 2006. The selected Contractor will be responsible for implementing the proposed ICS in all DOC facilities to coincide with this contract expiration date. The Bidder must address all aspects of Section 5.7 regarding the transition to and the installation of the proposed ICS.

#### SECURITY SENSITIVE INFORMATION

This solicitation (and RFR document) contains security-sensitive information which, pursuant to MGL c.4, § 7, cls. 26(n), is generally exempt from public disclosure under the Commonwealth's public records laws and must, for public safety purposes, be safeguarded from widespread public disclosure.

This security-sensitive information is in the form of blueprints, plans, policies, procedures, schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, and/or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation, information technology or other infrastructure located within the Commonwealth.

Qualified prospective Bidders that are interested in accessing this information for the purposes of preparing a bid response must, before being allowed to access the information, sign a confidentiality agreement, thereby agreeing to:

1. a restriction on the use of these sensitive records for any other purpose than as authorized and for the purpose of putting together a bid proposal; and
2. safeguard the information while it is in their possession.

5.1.4

5.1.5 A Centralized System Database located outside of the DOC facilities and maintained by the Bidder. The Bidder must state, in its response, the physical location (City/State) where the centralized system database is location.

The proposed ICS must allow for all DOC locations to be networked together thus allowing the sharing of inmate information, inmate PINs and call records between system. This network between DOC locations must allow for remote access of the ICS at one DOC facility by an authorized user at another DOC facility.

The proposed ICS must allow for administrator password levels that restrict DOC personnel to the ICS within their particular DOC facility as well as allow certain DOC personnel to access multiple systems, if required.

5.1.2 The Bidder must propose one type of Secure Inmate Calling System for all DOC locations. All system hardware, software, software level and support systems must be the same in each DOC facility.

5.1.3 The ICS at each DOC facility must provide for all telecommunications capabilities for inmate services as well as administrative capabilities for DOC personnel.

5.1.4 The Bidder must provide a Centralized System Database that is located at a Bidder provided site and provide full database redundancy for the ICS at each DOC facility.

5.1.5 The Bidder must propose an ICS at no cost to the DOC and include:

- full design, programming and installation;
- programming of all inmate PINs and call lists;
- post installation maintenance;
- all network services (local, IntraLATA, InterLATA);
- all network services for administration of the ICS.

- 5.1.14 The proposed ICS must allow for a maximum "ring time" prior to disconnecting the inmate call. This "ring time" parameter must be programmable by the DOC but must be consistent among DOC facilities.
- 5.1.15 The proposed ICS must provide notification to an inmate of the call status (e.g., ringing, busy, etc.). This notification may either be in the form of ringing, busy tones, SIT tones, or appropriate recorded messages. This requirement must be implemented for both direct dial (debit) or collect call mode of operation.
- 5.1.16 The proposed ICS shall not allow the inmate to speak to the called party until the call has been positively accepted. This requirement must be implemented for both direct dial (debit) or collect call mode of operation.
- 5.1.17 The proposed ICS must not allow the inmate to hear the called party prior to the actual positive acceptance (via touch tone entry) of the call.
- 5.1.18 The proposed ICS must allow for the DOC to program times when the system will be available or unavailable to inmate calling.
- 5.1.19 The proposed ICS must allow DOC personnel to temporarily restrict or disconnect service to an individual inmate telephone or station.
- 5.1.20 As one of the major problems associated with inmate calling, the initiation of 3-Way or Conference Calling is a constant issue with the DOC. [REDACTED] The proposed ICS must provide technology that deters an inmate's attempt to initiate a 3-Way or Conference Call with a Third Party and provide the ability to immediately terminate the call. The Bidder must describe, in its response, how this technology operates with regard to the proposed ICS and the options available to the DOC.
- 5.1.21 It is a desirable that the proposed ICS provide a function that prevents 3-Way or Conference Calling [REDACTED] The Bidder must explain, in its response, how this will be accomplished with the proposed ICS.
- 5.1.22 As one of the major problems associated with inmate calling, the use of call forwarding at the destination telephone number is a constant issue with the DOC. The proposed ICS must provide technology that deters the use of call forwarding by the party being called by the inmate and provide the ability to immediately terminate the call. The Bidder must describe, in its response, how this technology operates with regard to the proposed ICS and the options available to the DOC.

- 5.1.42 It is desirable that the Bidder provide an ICS in which the Central Processor Unit (CPU) and other critical components are redundant. The Bidder must describe, in its response, those critical components that are redundant with the proposed ICS.
- 5.1.43 The Bidder must provide standard hardware and software enhancements/upgrades to the proposed ICS at no cost to the DOC during the term of this contract. The installed ICS at each DOC facility must always be at the latest general release of the system's available hardware and software including operating systems for the system administration and system reporting function. Beta and field tested hardware and software must not be provided unless specifically approved by the DOC. Prior to any hardware and/or software upgrades or enhancements, the Bidder shall discuss the software benefits with the DOC and proceed only after DOC approval.
- 5.1.44 Telephone network services provided by the Bidder shall not be capable of being detected by the called party for calling number identification (Caller ID).
- 5.1.45 The Bidder shall provide local exchange service for pre-paid debit-based calling and collect calling use at each DOC institution. The local calling area shall be equal to or greater than the local calling area defined in the Verizon Massachusetts Department of Telecommunications and Energy (DTE) Tariff (MA DPU #10) for each of the DOC's facilities.
- 5.1.46 The proposed ICS must allow for [REDACTED] by DOC personnel. This monitoring must be allowed by **specific inmate telephone, specific inmate PIN or by called telephone number**. Any and all equipment and software required to perform this function must be provided with the proposed system.
- [REDACTED]
- [REDACTED] The Bidder must describe, in its response, how this will be accomplished with the proposed system.
- 5.1.47 The collect call automated announcement function of the Secure Inmate Calling System must be capable of processing calls on a selective bi-lingual basis: English and Spanish. The inmate must be able to select the preferred language using no more than a two digit code.
- 5.1.48 It is desirable that the ICS be capable of processing calls in additional languages than those required in 5.1.47. The Bidder must list, in its response, the languages available with the proposed ICS.

- be accomplished with the proposed inmate telephone instruments (e.g., confidencers, phone enclosures, etc.).
- 5.3.10 All inmate telephones shall provide volume controls which allow inmates to amplify the called party's voice.
  - 5.3.11 The Bidder shall provide dialing instructions as well as a "warning" that states "This Call is Being Recorded" to the inmate in English and Spanish on each inmate telephone in a manner which reduces the possibility of being destroyed. Simple labels or other accessible surface instructions will not be acceptable to meet this requirement.
  - 5.3.12 The Bidder shall maintain the above required telephone dialing instructions and warning statements for legibility and accuracy during the course of this contract.
  - 5.3.13 The inmate telephone instrument shall not be capable of being used to program any feature of the proposed ICS.
  - 5.3.14 All of the proposed inmate telephones must be compliant with all applicable requirements of the American with Disabilities Act (ADA).

#### **Type 2: Special Management Unit Telephones**

- 5.3.15 The second type of inmate telephone instrument shall be portable or "movable" inmate telephones that are used mainly in special management units and must be manufactured to withstand abuse (physical, liquid, etc.) as well as be compact enough to fit through standard food slots. Industry standard 2500 telephone sets will not be acceptable at meeting this requirement. The Bidder must state how it will allow the DOC to secure the touch tone pad after the special management unit's inmate's initial call now been placed.
- 5.3.16 The Bidder must describe, in its response, how these movable or portable telephones will be moved from one cell to another by DOC personnel to allow for inmate calling.
- 5.3.17 The Bidder must provide a special management unit telephone that includes all call restrictions of the ICS with regard to inmate PINs, call duration, etc.
- 5.3.18 The Bidder must provide a special management unit telephone that allows DOC personnel to provide the handset only to the inmate thus denying access to the dial pad by the inmate. The Bidder must describe, in its response, how this is accomplished with the proposed telephone instrument.

---

**5.9 EQUIPMENT/SYSTEM MAINTENANCE**

- 5.9.1 The Bidder must provide an ICS at all required DOC facilities that is fully functional in regards to all labor, materials, programming, system hardware and software.
- 5.9.2 The Bidder must warrant that the ICS installed for the DOC facilities shall be free of defects, irregularities, unprofessional installation, code violations and shall operate as designed and proposed. Should the system not operate as designed and proposed or violate any local, state or federal code, the Bidder shall immediately correct the defect or irregularity or bring the system within code and performance specifications at no cost to the DOC.
- 5.9.3 The Bidder must provide all post installation system programming and maintenance services at no cost to the DOC.
- 5.9.4 The Bidder must agree in its response that maintenance service is available on its ICS seven days per week, twenty-four (24) hours a day
- 5.9.5 The Bidder must propose an ICS that provides for remote diagnostics and maintenance.
- 5.9.6 The Contractor is responsible for replacement of the ICS in its entirety or its individual components regardless of cause including, but not limited to, normal wear/use, inmate abuse, natural disaster, or inmate unrest. This system or component replacement will be performed at no cost to the DOC and will occur immediately upon notification to the Bidder of the system problem by the DOC facility.
- 5.9.7 The Contractor is responsible for replacing of inmate telephones in their entirety regardless of cause including, but not limited to, normal wear/use, inmate abuse, natural disaster, or inmate unrest. The Contractor must replace inmate telephones requiring repair and not repair components of the inmate telephone on site at the DOC.

**Response To Maintenance Calls**

Should any critical component of the ICS provided by the Bidder fail, the Bidder must respond to ICS maintenance/repair calls from the DOC in the manner outlined in this section.

**5.9.8 Definition of a "Major Emergency"**

For the purpose of this RFR, a "Major Emergency" shall be defined as an occurrence of any one of the following conditions. The Bidder is required to further negotiate with the



DOC prior to system installation to determine additional **specific criteria** for a "Major Emergency".

- A failure of the ICS processor, its common equipment or power supplies which render the system incapable of performing its normal functions;
- A failure of the recording function or any of its components that affects the full recording operation;
- A failure of 50% or more of the inmate telephones **at any one area** within a DOC facility;
- A failure of any of the ICS functions that result in the ability of inmates to place calls without the use of assigned PINs;
- A failure of any of the ICS functions that results in the ability of inmates to make direct dialed calls when the system is operating in collect call mode;
- A failure of any of the system functions that results in the ability of inmates to reach a "live" operator;
- A failure of the system "kill switches" or similar ICS disabling function proposed by the Bidder.

#### 5.9.9 Response Times for a "Major Emergency"

For a "Major Emergency" the Bidder must respond to the service problem within 30 minutes of initial trouble report by the DOC facility through the use of remote testing or access. Should the ICS not be accessible for remote access, the Bidder must have a qualified technician, suitably equipped for the installed ICS, on site at the DOC location within two (2) hours from the time of initial trouble report.

Should the problem not be resolved via remote access, the Bidder must have a qualified technician, suitably equipped for the installed system, on site at the DOC institution within two (2) hours from the time of initial trouble report.

Response to "Major Emergency" conditions must be performed on a 24 Hours-a-Day/Seven Days-a-Week/365 Days-a-Year basis through out the term of this contract.

#### 5.9.10 Definition Of "Routine Service"

For the purpose of this RFR, Routine Service shall be defined as an ICS failure or problem other than a "Major Emergency" item as listed above or defined by the DOC.

#### 5.9.11 Response Times For "Routine Service"

For a "Routine Service" the Bidder must respond to the service problem within four (4) hours of the initial trouble report by the DOC facility through the use of remote testing or access. Should the ICS not be accessible for remote access, the Bidder must have a qualified technician, suitably equipped for the installed system, on site at the DOC facility within twelve (12) business hours from the time of initial trouble report. Business hours are defined as 8:00 a.m. to 6:00 p.m., Monday through Friday.

Should the problem not be resolved via remote access, the Bidder must have a qualified technician, suitably equipped for the installed system, on site at the DOC institution within six (6) hours from the time of initial trouble report.

#### Answering of Maintenance Calls

5.9.12 The Bidder must ensure and state, in its response, that all maintenance calls from the DOC shall be answered by a "live" operator/service representative at all times.

5.9.13 It is desirable that that all maintenance calls from the DOC be answered by a "live" operator/service representative who is local (within Massachusetts) at all times.

#### Critical Component Availability

5.9.14 The Bidder must guarantee to the DOC that all parts and materials necessary to repair the proposed ICS are readily available to on-site service personnel 24 hours per day, seven days per week, 365 days per year. The DOC will not accept the delay of any ICS repair based on the fact that service personnel cannot access a system parts warehouse, office or similar Bidder facility because the facility not being opened "after hours", or on weekends or holidays.

5.9.15 It is desirable that the Contractor provide "spare" inmate telephone equipment at each DOC facility to allow for timely replacement of telephones that are not operating for any reason. The Bidder must provide on site a minimum number of spare sets equal to five percent (5%) of the total number of inmate telephones installed at each DOC facility.

### Escalation Procedures During Service Maintenance

- 5.9.16 The Bidder must provide, in its response, escalation procedures to address inadequate maintenance service of the ICS. These escalation procedures must include multiple levels of management personnel. Access to additional management personnel must be made available to the DOC upon request.

The Bidder must provide, in its response, a **complete list** of its maintenance service escalation procedures including:

- a list of personnel at each level of escalation;
- contact telephone, fax, pager, cellular numbers;
- methods by which escalation is initiated; and
- criteria for escalation at each level.

The Bidder must agree, in its response, that the DOC has the right to initiate these escalation procedures at its discretion based on diminished service or non-performance of the Bidder.

### Maintenance Records

- 5.9.17 The Bidder must provide to the DOC, upon request during the term of this contract, maintenance records that include a listing all repair notices including the date and time of the service trouble report, the nature of the problem reported, and date/time of problem resolution.
- 5.9.18 The Bidder must provide historical maintenance records for 24 months from the current date.
- 5.9.19 It is desirable that the Bidder provide historical maintenance records from the initial contract date of this contract with the DOC.